



Naval Education and
Training Command

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Nonresident Training
Course (NRTC)

Legalman 3 & 2

Only one answer sheet is included in the NRTC. Reproduce the required number of sheets you need or get answer sheets from your ESO or designated officer.

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LEGALMAN 3 & 2

NAVEDTRA 72609

Prepared by the Naval Education and Training Program Management
Support Activity, Pensacola, Florida

Congratulations! By enrolling in this course, you have demonstrated a desire to improve yourself and the Navy. Remember, however, this self-study course is only one part of the total Navy training program. Practical experience, schools, selected reading, and your desire to succeed are also necessary to successfully round out a fully meaningful training program. You have taken an important step in self-improvement. Keep up the good work.

HOW TO COMPLETE THIS COURSE SUCCESSFULLY

ERRATA: If an errata comes with this course, make all indicated changes or corrections before you start any assignment. Do not change or correct the Training Manual (TRAMAN) or assignments in any other way.

TEXTBOOK ASSIGNMENTS: The TRAMAN for this course is LEGALMAN, NAVEDTRA 12609. The TRAMAN pages that you are to study are listed at the beginning of each assignment. Study these pages carefully before attempting to answer the questions in the course. Pay close attention to tables and illustrations because they contain information that will help you understand the text. Read the learning objectives provided throughout each chapter in the text. Learning objectives state what you should be able to do after studying the material. Answering the questions correctly helps you accomplish the objectives.

BLACK DOT INFORMATION: Black dots (●) may be used in the text and correspondence course to emphasize important or supplemental information and to highlight instructions for answering certain questions. Read these black dot entries carefully; they will help you answer the questions and understand the material.

SELECTING YOUR ANSWERS: After studying the TRAMAN, you should be ready to answer the questions in the assignment. Read each question carefully, then select the BEST answer. Be sure to select your answer from the subject matter in the TRAMAN. You may refer freely to the TRAMAN and seek advice and information from others on problems that may arise in the course. However, the

answers must be the result of your own work and decisions. You are prohibited from referring to or copying the answers of others and from giving answers to anyone else taking the same course. Failure to follow these rules can result in suspension from the course and disciplinary action.

SUBMITTING COMPLETED ANSWER SHEETS: Complete all assignments as quickly as possible to derive maximum benefit from the course. As a minimum, you must submit at least one assignment per month. This is a requirement established by the Chief of Naval Education and Training. Failure to meet this requirement could result in disenrollment from the course.

TYPES OF ANSWER SHEETS: If you are a U.S. Navy enlisted member on active duty or a drilling U.S. Naval Reserve enlisted member, you should use the answer sheet attached at the end of this course and follow the instructions in section A below. If you are an enlisted U.S. Naval Reserve member who is not attached to a drilling unit or if you are an officer, a civilian, or a member of the U.S. Army, Air Force, Marine Corps, or Coast Guard, you should use the Automatic Data Processing (ADP) answer sheets included in the course package and follow the instructions in section B.

A. Manually Scored Answer Sheets

If you are a U.S. Navy enlisted member on active duty or attached to a U.S. Naval Reserve drilling unit, your course will be administered by your local command. You must use the answer sheet designed for manual scoring, NETPMSA form 1430/5, stock ordering number 0502-LP-216-0100. You may

get a supply of the forms from your Educational Services Officer (ESO), or you may reproduce the one in the back of this course booklet. DO NOT USE THIS FORM FOR COURSES ADMINISTERED BY NETPMSA.

Recording Information on the Manually Scored Answer Sheets: As you complete each assignment, submit the completed answer sheet to your ESO for grading. You may submit more than one answer sheet at a time. Remember, you must submit at least one assignment each month.

Grading: Your ESO will grade each answer sheet and notify you of any incorrect answers. The passing score for each assignment is 3.2. If you receive less than 3.2 on any assignment, the ESO will list the questions you answered incorrectly and give you an answer sheet marked "RESUBMIT." You must redo the assignment and complete the RESUBMIT answer sheet. The maximum score you can receive for a resubmitted assignment is 3.2.

Course Completion: After you have submitted all the answer sheets and have earned at least 3.2 on each assignment, your command should give you credit for this course by making the appropriate entry in your service record.

Student Questions: If you have questions concerning the administration of this course, consult your ESO.

B. ADP Answer Sheets

If you are an enlisted U.S. Naval Reserve member who is not attached to a drilling reserve unit or if you are an officer, a civilian, or a member of the U.S. Army, Air Force, Marine Corps, or Coast Guard, use the ADP answer sheets provided in your course package. You should use one blank original ADP answer sheet for each assignment. Use only the original ADP answer sheet provided in your course package; NETPMSA will not accept reproductions.

Recording Information on the ADP Answer Sheets: Follow the "MARKING INSTRUCTIONS" on each answer sheet. Be sure that blocks 1, 2, and 3 are filled in correctly. This information is necessary for your course to be properly processed and for you to receive credit for your work.

As you work the course, be sure to mark your answers in the course booklet because your answer sheets will not be returned to you. When you have completed an assignment, transfer your answer from the course booklet to the answer sheet.

Mailing the Completed ADP Answer Sheets: Upon completing an assignment, mail the completed answer sheet to:

COMMANDING OFFICER
NETPMSA CODE 074
6490 SAUFLEY FIELD RD
PENSACOLA FL 32559-5000

Use envelopes to mail your answer sheets. You must provide your own envelopes or request them from your ESO. You may enclose more than one answer sheet in a single envelope. Remember, regardless of how many answer sheets you submit at a time, NETPMSA should receive at least one assignment a month.

NOTE: DO NOT USE THE COURSE COMMENTS PAGE AS AN ENVELOPE FOR RETURNING ANSWER SHEETS OR OTHER COURSE MATERIALS.

Grading: NETPMSA will grade the answer sheets and notify you by letter concerning your grade for each assignment, your incorrect answers, and your final grade. The passing score for each assignment is 3.2. If you receive less than 3.2 on any assignment, you must rework the assignment. NETPMSA will enclose a new ADP answer sheet in the letter notifying you of the questions you answered incorrectly. You will be required to redo the assignment and resubmit the new answer sheet. The maximum score you can receive for a resubmitted assignment is 3.2.

Course Completion: When you complete the last assignment, fill out the "Course Completion" form in the back of the course and enclose it with your last answer sheet. NETPMSA will issue you a letter certifying that you satisfactorily completed the course. You should make sure that credit for the course is recorded in your service record. YOU MAY RETAIN THE TEXT.

NOTE: YOUR OFFICIAL COURSE COMPLETION DATE WILL BE THE DATE YOUR LAST ASSIGNMENT IS PROCESSED THROUGH THE NETPMSA ADP SYSTEM- NOT THE DATE YOU DEPOSIT THE LAST

ASSIGNMENT IN THE MAIL. This is especially important if you are taking the course for Naval Reserve retirement credit. You must mail your answer sheets at least 60 days before your anniversary date. This will provide you with enough time for delays in the mail or reworking failed assignments. DO NOT MAIL YOUR ASSIGNMENTS TO THE NAVAL RESERVE PERSONNEL COMMAND (NRPC).

Student Questions: Refer questions concerning this course to NETPMSA by mail (use the address on page ii) or by telephone: DSN 922-1366 or commercial (904) 452-1366.

NAVAL RESERVE RETIREMENT CREDIT

If you are a member of the Naval Reserve, you will receive retirement points if you are authorized to receive them under current directives governing retirement of Naval Reserve personnel. For the purpose of Naval Reserve retirement, this edition of the course is evaluated at 13 points. These points will be credited to you upon your satisfactory completion of the entire course.

Unit 1 - 12 points; assignments 1 through 8
Unit 2 - 1 point; assignment 9

NOTE: YOUR OFFICIAL COURSE COMPLETION DATE WILL BE THE DATE YOUR LAST ASSIGNMENT IS PROCESSED THROUGH THE NETPMSA ADP SYSTEM--NOT THE DATE YOU DEPOSIT THE LAST ASSIGNMENT IN THE MAIL. Refer to the Course Completion paragraph under section B. ADP Answer Sheets.

COURSE OBJECTIVES

In completing this course, you will demonstrate an understanding of the course materials by correctly answering questions on the following topics: general administration; security; law library; court reporting; constitutional considerations; nonjudicial punishment; pretrial matters; court-martial trials; post trial duties and review; administrative separations; delivery of personnel; and legal assistance.

Naval courses may include several types of questions—multiple-choice, true-false, matching, etc. The questions are not grouped by type but by subject matter. They are presented in the same general sequence as the textbook material upon which they are based. This presentation is designed to preserve continuity of thought, permitting step-by-step development of ideas. Not all courses use all of the types of questions available. The student can readily identify the type of each question, and the action required, by inspection of the samples given below.

MULTIPLE-CHOICE QUESTIONS

Each question contains several alternatives, one of which provides the best answer to the question. Select the best alternative, and blacken the appropriate box on the answer sheet.

SAMPLE

- s-1. Who was the first person appointed Secretary of Defense under the National Security Act of 1947?

1. George Marshall
2. James Forrestal
3. Chester Nimitz
4. William Halsey

Indicate in this way on the answer sheet:

	1	2	3	4	
	T	F			
s-1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	---

TRUE-FALSE QUESTIONS

Mark each statement true or false as indicated below. If any part of the statement is false the statement is to be considered false. Make the decision, and blacken the appropriate box on the answer sheet.

SAMPLE

- s-2. All naval officers are authorized to correspond officially with any systems command of the Department of the Navy without their respective commanding officer's endorsement.

1. True
2. False

Indicate in this way on the answer sheet:

	1	2	3	4	
	T	F			
s-2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	---

MATCHING QUESTIONS

Each set of questions consists of two columns, each listing words, phrases or sentences. The task is to select the item in column B which is the best match for the item in column A that is being considered. Items in column B maybe used once, more than once, or not at all. Specific instructions are given with each set of questions. Select the numbers identifying the answers and blacken the appropriate boxes on the answer sheet.

SAMPLE

In questions s-3 through s-6, match the name of the shipboard officer in column A by selecting from column B the name of the department in which the officer functions. Some responses may be used once, more than once, or not at all.

A. OFFICER

B. DEPARTMENT

- s-3. Damage Control Assistant

1. Operations Department

- s-4. CIC Officer

2. Engineering Department

- s-5. Disbursing Officer

3. Supply Department

- s-6. Communications Officer

Indicate in this way on the answer sheet:

	1	2	3	4	
	T	F			
s-3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	---
s-4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	---
s-5	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	---
s-6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	---

ASSIGNMENT 1

Textbook Assignment: "General Administration" and "Security," pages 1-1 through 1-16.

- | | |
|--|--|
| <p>1-1. Identify the four major areas that you should be familiar with when handling naval correspondence.</p> <ol style="list-style-type: none">1. Letters, messages, files, and instructions2. Preparation, routing, filing, and subject classification3. SSIC, priority, security classification, and subject matter4. Security classification, format, precedence, and file procedures <p>1-2. What effect does the quality of the correspondence you prepare have on others?</p> <ol style="list-style-type: none">1. Forms impression of the typist2. Forms impression of the office3. Forms impression of the command4. Each of the above <p>1-3. You may use a standard letter when corresponding with which of the following outside users?</p> <ol style="list-style-type: none">1. NATO allies2. General Services Administration3. Military contractors4. Federal Bureau of Investigation <p>1-4. What aspect of a multiple-address letter distinguishes it from a standard letter?</p> <ol style="list-style-type: none">1. The signature block2. The subject line3. The arrangement of the text4. The handling of the addressees <p>1-5. An endorsement may either comment on the basic letter or any earlier endorsement.</p> <ol style="list-style-type: none">1. True2. False | <p>1-6. What is the purpose of a memorandum?</p> <ol style="list-style-type: none">1. To issue directives2. To correspond informally within an activity3. To provide a record of a conversation4. To reply to official correspondence <p>1-7. When, if ever, may a business letter be used within DOD?</p> <ol style="list-style-type: none">1. When corresponding with the Secretary of the Navy2. When corresponding with the Coast Guard3. When the occasion calls for a personal approach4. Never <p>1-8. Which of the following types of messages should be used when the drafter does not need to inform the addressee of the other addressee(s)?</p> <ol style="list-style-type: none">1. Single-address2. Multiple-address3. Book4. General <p>1-9. What annex of the NTP 3(I) governs the rules and general regulations for the preparation of GENADMIN messages?</p> <ol style="list-style-type: none">1. A2. B3. C4. D <p>1-10. The message text format (MTF) allows for a total of what number of messages per disk?</p> <ol style="list-style-type: none">1. 102. 203. 304. 50 |
|--|--|

- 1-11. The present standard Navywide system of filing was designed to fulfill what need?
1. To ensure each office has the same number of files
 2. To ensure each office has the same type of files
 3. To create a single subject classification system
 4. To establish a standard subject identification code system
- 1-12. In what manner are files maintained in a decentralized filing system?
1. They are maintained in two separate file locations
 2. They are maintained by the section responsible for the function being performed
 3. They are maintained by a separate organization
 4. They are maintained in a computer database
- 1-13. In what manner should court-martial records be filed?
1. Separately and alphabetically by last name
 2. Separately and by date of trial
 3. Together by date of action
 4. Together by date of trial
- 1-14. Whether to use a centralized or decentralized system should be determined by what factor(s)?
1. The size of the office
 2. The amount of filing space available
 3. The volume of business handled only
 4. The size of your organization and the volume of business handled
- 1-15. Which of the following instructions provides the proper subject classification for naval correspondence?
1. SECNAVINST 5210.11D
 2. SECNAVINST 5215.1C
 3. SECNAVINST 5216.5C
 4. SECNAVINST 5510.1H
- 1-16. Normally, changes to Navy *Regulations* are prepared in the office of which of the following officials?
1. Secretary of Defense
 2. Secretary of the Navy
 3. Chief of Naval Operations
 4. Judge Advocate General
- 1-17. The *Manual for Courts-Martial, United States, 1984*, consists of what specific number of parts?
1. One
 2. Two
 3. Five
 4. Four
- 1-18. Instructions regarding the authority of armed forces personnel to perform notarial acts are contained in which of the following publications?
1. *Manual for Courts-Martial*
 2. *Manual of the Judge Advocate General*
 3. *U.S. Navy Regulations, 1990*
 4. *Naval Military Personnel Manual*
- 1-19. The *Naval Military Personnel Manual* is issued under what regulatory authority?
1. *U.S. Navy Regulations, 1990*
 2. *Manual for Courts-Martial*
 3. *Manual of the Judge Advocate General*
 4. *Standard Organization and Regulations Manual*
- 1-20. Changes to the *Naval Military Personnel Manual* are issued at what specific time intervals?
1. Monthly
 2. Quarterly
 3. Semiannually
 4. Annually

- 1-21. *U.S. Navy Uniform Regulations* are prepared and distributed by what authority?
1. Chief of Naval Personnel
 2. Chief of Naval Operations
 3. Secretary of the Navy
 4. Secretary of Defense
- 1-22. Which of the following publications provides a standard system of numbers and letter symbols that are used to categorize information?
1. *DON Correspondence Manual*
 2. *Naval Military Personnel Manual*
 3. *Standard Navy Distribution List*, part 1
 4. *DON Standard Subject Identification Codes*
- 1-23. Regulatory material contained in the *Standard Organization and Regulations Manual* (SORM) appears in what type of print?
1. Uppercase
 2. Lowercase
 3. Bold
 4. Italics
- 1-24. What publication is commonly known as the *Security Manual*?
1. *Law Enforcement Manual*
 2. *DON Information Security Program Regulations*
 3. *Naval Military Personnel Manual*
 4. *DON Physical Security Manual*
- 1-25. Part 2 of the *Standard Navy Distribution List* (SNDL) is referred to as the yellow pages.
1. True
 2. False
- 1-26. *Joint Federal Travel Regulations* (JFTR) are issued in what total number of volumes?
1. One
 2. Two
 3. Three
 4. Four
- 1-27. You are entering a change to an instruction without a record-of-changes sheet. In what specific location should the change be annotated?
1. Lower right-hand margin of the first page
 2. Upper right-hand margin of the first page
 3. On the identification line
 4. After the subject line
- 1-28. What form is used to order new forms or publications?
1. DD Form 1348
 2. DD Form 1352
 3. NAVPERS Form 1340
 4. NAVSUP Form 1346
- 1-29. The Department of the Navy Directives Issuance System is set forth in which of the following instructions?
1. SECNAVINST 5210.11D
 2. SECNAVINST 5213.5C
 3. SECNAVINST 5215.1C
 4. SECNAVINST 5216.5C
- 1-30. Issuances not falling within the scope of the Directives Issuance System are normally issued in what manner?
1. As directives
 2. As notices
 3. As bulletins
 4. As change transmittals
- 1-31. An instruction remains in effect for what maximum number of years if not superseded or canceled?
1. 1
 2. 2
 3. 5
 4. 7
- 1-32. A notice usually remains in effect for what specific range of months?
1. 1 to 6
 2. 6 to 12
 3. 12 to 18
 4. 18 to 24

- 1-33. If a cancellation determination is not shown at the top right corner of a notice, it will appear as a last paragraph with what title?
1. Cancellation for Record Purposes
 2. Cancellation
 3. Cancellation Contingency
 4. Cancellation/Expiration
- 1-34. Instructions should be filed in which of the following orders?
1. Standard subject identification code, consecutive number, and issuing authority
 2. Issuing authority, standard subject identification code, and consecutive number
 3. Consecutive number, standard subject identification code, and issuing authority
- 1-35. What action should be taken when notices are filed within the master files?
1. They should be filed behind the instructions
 2. They should be tabbed to ease removal upon cancellation
 3. They should have the cancellation date highlighted for identification
 4. They should be filed off-center to assist in their identification
- 1-36. What number of copies of a subject cross-reference sheet are necessary?
1. One
 2. Two
 3. Three
 4. Four
- 1-37. What number of major numerical subject groups are found in the SSIC?
1. 10
 2. 12
 3. 13
 4. 14
- 1-38. If you need to file material in a file folder in a particular order, what means should be used?
1. Paper clips
 2. Rubber bands
 3. Staples
 4. Prong fasteners
- 1-39. In which of the following publications will you locate a listing of the required reports to be included in a tickler file?
1. JAGMAN only
 2. 5214 of the OEGCMJ only
 3. 5214 instructions of senior commands in the chain of command and JAGMAN
 4. 5215 notices of senior commands in the chain of command
- 1-40. Reports listed in a tickler file should be filed in what manner?
1. Alphabetically
 2. Numerically
 3. By frequency of due dates
 4. By seniority of the command requiring the report
- 1-41. To make sure reporting requirements of a report are current, you should take what action continually?
1. File a completed draft of the report with the tickler card
 2. Check the cancellation date of each reference
 3. Check the references listed on each card
 4. Compare the current report against previously submitted reports
- 1-42. Whenever possible, completed reports should be filed in what file?
1. General
 2. Separate reports
 3. Centralized
 4. Tickler

- 1-43. The disposition and penalties for the unauthorized destruction of official government records is mandated by whom?
1. Secretary of the Navy
 2. Secretary of Defense
 3. Chief of Naval Operations
 4. Congress
- 1-44. JAGMIS was initially developed for what function?
1. Trend identification
 2. Resource allocation
 3. Long-range planning
 4. Tracking courts-martial
- 1-45. What activities are required to submit a monthly productivity report?
1. All activities with an SJA
 2. All OEGCMJ activities
 3. All Navy Legal Service Command activities except NJS
 4. All convening authority activities
- 1-46. The productivity report must be sent to Commander, Naval Legal Service Command to arrive no later than what day of the following month?
1. 5th
 2. 7th
 3. 10th
 4. 15th
- 1-47. What security term is applied to the communications between a client and an attorney?
1. Confidential
 2. Privileged
 3. Classified
 4. Secure
- 1-48. The handling of classified material in the LN rating normally occurs when working with which of the following material?
1. Investigations
 2. Freedom of Information Act requests
 3. Privacy Act requests
 4. Administrative separations
- 1-49. What is the purpose of the Information and Personnel Security Program?
1. To prevent espionage
 2. To prevent the dissemination of information essential to national security
 3. To provide background investigations of personnel involved with classified material
 4. To provide for the accountability of classified material
- 1-50. The purpose of the security education program is to make sure all personnel understand the need to protect and safeguard classified material.
1. True
 2. False
- 1-51. What person is ultimately responsible for the security education of a command?
1. Executive officer
 2. Commanding officer
 3. Security manager
 4. Training officer
- 1-52. When not in use, a Secret document must be kept facedown or covered with which of the following cover sheets?
1. Standard Form 703
 2. Standard Form 704
 3. Standard Form 705
 4. Standard Form 706

1-53. Unless otherwise stated, classified material will not be retained for more than what maximum number of years from the date of origin?

1. 5
2. 7
3. 10
4. 15

1-54. The destruction of Top Secret and Secret material must be recorded on which of the following forms?

1. OPNAV Form 5510/1
2. OPNAV Form 5511/12
3. Standard Form 703
4. Standard Form 704

1-55. Records of destruction must be maintained for what maximum period of time?

1. 1 year
2. 2 years
3. 3 years
4. 6 months

1-56. The residue of authorized shredding machines is handled as what level of classified waste?

1. The highest classification of the material being shredded
2. Confidential
3. Unclassified
4. Sensitive

1-57. Residents of foreign countries have a right of access under the Freedom of Information Act (FOIA) to federal records.

1. True
2. False

1-58. Under the FOIA instruction, which of the following items would be considered an agency record?

1. A three-dimensional model of a new building or structure
2. Computer software not used as a primary source of information about a command
3. A supervisor's personal notes on an employee's performance
4. Photographs made by a PAO of a command activity

Dear Sir:

Please forward a copy of the following items to me:

- (1) Copies of your command history for the past 2 years
- (2) Copy of your annual safety report for the command for last year
- (3) Copy of the JAGMAN investigation on your collision at sea in August

I will gladly pay all costs for reproduction of the reports.

Thank you,

Figure 1A.--FOIA request.

IN ANSWERING QUESTIONS 1-59 THROUGH 1-61, USE THE INFORMATION YOUR COMMAND HAS RECEIVED IN THE FOIA REQUEST SHOWN IN FIGURE 1A.

1-59. Which of the three minimum requirements of a proper FOIA request is not met by the letter?

1. Cites or implicates the FOIA
2. Reasonably describes the information requested
3. Contains a statement of the requester's willingness to pay fees

- 1-60. What action should your command take in response to this letter?
1. Consider the letter a reasonable request and forward the requested information
 2. Forward the request to JAG
 3. Return the letter without action
 4. Answer the inquiry within 10 days informing the requester of the contents of a proper request
- 1-61. Assuming the request is proper, what action should be taken on the request for the JAGMAN investigation?
1. A copy would be provided by the receiving command deleting all personal information
 2. The request would be forwarded to JAG and the requester notified
 3. The request would be forwarded to the investigating officer for action
 4. The request would be denied as an exempt document
- 1-62. If your activity cannot respond to an FOIA request within 10 days, what effect does this have on the request?
1. It is a violation of the FOIA and penalties may be adjudged
 2. It is treated as a final denial of the request
 3. It may be treated as an initial denial of the request
 4. It is considered an informal extension of time
- 1-63. An FOIA request for names and duty addresses of members attached to foreign units should be denied on what grounds, if any?
1. An unwarranted invasion of personal privacy
 2. Mailing lists are exempt from the FOIA
 3. A violation of the Privacy Act
 4. None
- 1-64. The Privacy Act applies to documents and records in a system of records from which information is retrieved by what means?
1. Rate or rank
 2. Command assigned
 3. Name or other personal identifier
 4. Mailing lists
- 1-65. Naval activities may not maintain records retrievable by name or personal identifier unless a system notice has been published in what publication?
1. *Privacy Act Register*
 2. *Federal Register*
 3. *Military Register*
 4. *National Register*
- 1-66. Action on a Privacy Act request should be completed within what maximum number of days of receipt by the cognizant office?
1. 5
 2. 10
 3. 20
 4. 30
- 1-67. Which of the following Privacy Act disclosure requests may NOT be honored?
1. A request by other DOD personnel in the execution of their office
 2. A request by a congressional subcommittee
 3. A request by an individual Member of Congress
 4. An order signed by a judge of a court of competent jurisdiction
- 1-68. If an individual is informed that disclosure is voluntary, a social security number may be requested from this individual even though it is not required by federal statute.
1. True
 2. False

1-69. If an FOIA or Privacy Act request pertains to litigation to which the United States is a party, the release authority should notify what other authority?

1. Secretary of Defense
2. Secretary of the Navy
3. Chief of Naval Operations
4. Judge Advocate General

1-70. The production of service, pay, and medical records of a member is authorized when the request complies with what instruction?

1. SECNAVINST 5211.5C
2. SECNAVINST 5720.42E
3. SECNAVINST 5720.45
4. SECNAVINST 5820.8A

ASSIGNMENT 2

Textbook Assignment: "The Law Library and Legal Research," chapter 2, pages 2-1 through 2-18, and "Court Reporting," chapter 3, pages 3-1 through 3-34.

- 2-1. What should be your first task when assigned as the law library librarian?
1. Inventory the library
 2. Make sure all materials are up to date
 3. Account for all materials on loan
 4. Know what materials are contained in the library and where they are located
- 2-2. In addition to primary sources, into what additional basic category(ies) is/are legal reference materials classified?
1. Secondary and tertiary
 2. Finding tools only
 3. Secondary and finding tools
 4. Case law, statutory law, and regulations
- 2-3. Which source of law is commonly known as the supreme law of the land?
1. Constitutional
 2. Statutory
 3. Case
 4. Administrative
- 2-4. Which source of law includes those laws passed or enacted by legislative bodies?
1. Constitutional
 2. Statutory
 3. Case
 4. Administrative
- 2-5. Which source of law is derived from the judicial system?
1. Constitutional
 2. Statutory
 3. Case
 4. Administrative
- 2-6. *U.S. Navy Regulations, 1990*, is an example of which type of law?
1. Constitutional
 2. Statutory
 3. Case
 4. Administrative
- 2-7. What is the key determiner in deciding whether a set of books is considered official?
1. Its contents report the law or cases of a single geographical area
 2. The manner in which the material is indexed is uniform
 3. It is published by virtue of statutory direction or law
 4. Its contents report the law and/or decisions of the highest court or government body
- 2-8. The rules for human behavior that are enforced by federal or state government are considered as what kind of authority?
1. Primary
 2. Secondary
 3. Official
 4. Unofficial
- 2-9. What is the purpose of a secondary authority?
1. To help the researcher find a particular law
 2. To report the statutes or decisions enacted by legislative bodies or courts
 3. To explain or describe the law
 4. To present a history of the law
- 2-10. Which of the following items is an example of a finding tool?
1. Treatise
 2. Periodical
 3. Commentary
 4. Digest

2-11. The standard minimum list of commercial lawbooks contains a list of publications that are provided to which of the following activities?

1. Naval legal service office libraries
2. Naval legal service detachment libraries
3. Staff judge advocate libraries
4. All of the above

2-12. What official or activity is responsible for providing an initial supply of materials contained on the standard minimum list?

1. JAG, Administration Section
2. Head, Field Law Library Section
3. OJAG, Publications Section
4. Navy Publications and Forms Center

2-13. Which of the following departments or officials in JAG is responsible for distributing JAG instructions and notices?

1. Executive assistant to JAG
2. CLE/Legal Assistance Policy Division of JAG
3. Head, Field Law Library Section
4. OJAG, Publications Section

2-14. OJAG, Publications Section, acts as primary advisor to JAG on all matters related to commercial lawbook needs of the field library activities.

1. True
2. False

IN ANSWERING QUESTIONS 2-15 THROUGH 2-20, SELECT FROM COLUMN B THE DEPARTMENT OF JAG INITIALLY RESPONSIBLE FOR DISTRIBUTION OF THE PUBLICATION LISTED IN COLUMN A.

	<u>A. PUBLICATIONS</u>	<u>B. DEPARTMENTS</u>
2-15.	<i>Off the Record</i>	1. <i>Head, Field Law Library Section</i>
2-16.	<i>Military Justice Reporter</i>	2. <i>Executive Assistant to JAG</i>
2-17.	<i>Shepard's Citations</i>	3. <i>OJAG, Publications Section</i>
2-18.	<i>JAG Manual</i>	4. <i>Legal Assistance Policy Division of OJAG</i>
2-19.	<i>West Federal Forms</i>	
2-20.	<i>Legal Assistance Newsletter</i>	

2-21. The effectiveness of legal research depends which of the following factors?

1. The amount of legal reference material available
2. The type of legal reference material available
3. How well the legal reference material is maintained and kept up to date
4. How the legal reference material is arranged

2-22. In a large NLSO, legal reference material pertaining to specific areas of law should be kept and maintained in what location?

1. In the spaces of the division primarily concerned
2. In a separate area of the law library grouped together
3. Within the law library without reference to specific areas of law
4. In a separate law library

- 2-23. Which of the following factors dictate(s) the most effective layout for your library?
1. Space
 2. Equipment limitations
 3. Both 1 and 2 above
 4. Lighting
- 2-24. In what manner are loose-leaf supplements usually maintained?
1. Inside the front cover of the published volume
 2. Inside the back cover of the published volume
 3. In a separate binder provided by the publisher
 4. In a separate binder provided by the library
- 2-25. What disposition is made of outdated pocket parts?
1. Returned to the publisher
 2. Maintained for 6 months
 3. Filed beside the appropriate volume
 4. Discarded
- 2-26. What method should be used to update a set of publications between issuance of annual pocket parts or other periodic updates?
1. Supplementary pamphlets
 2. Loose-leaf supplements
 3. Interim pamphlets
 4. Advance sheets
- 2-27. In what manner are bound volume supplements placed in a set of publications?
1. By replacing the volume they supplement
 2. By placing them next to the bound volume they supplement
 3. At the end of the publication set
 4. With the index of the publications set
- 2-28. Which of the following information is NOT recorded on a card index system card?
1. Edition
 2. Publisher
 3. Date of publication
 4. Location of the material
- 2-29. In order for a sign-out list check-out system to be effective, it should be kept in what location?
1. In the law librarian's office
 2. Outside the entrance of the library
 3. In a centralized location in the library
 4. Near the door of the library
- 2-30. Which of the following methods should be used to identify a book as belonging to your library?
1. Stamp the return mailing stamp on the three outside book edges
 2. Stamp the return mailing stamp on pages 1 and 101 of each volume
 3. Both 1 and 2 above
 4. Stamp the return mailing stamp on the outside edge of each volume
- 2-31. What method is used to request new material funded by JAG?
1. Letter request
 2. Open purchase request
 3. Telephone request
 4. Message request
- 2-32. Normally, who directs the employment of reporters in a court-martial?
1. The convening authority
 2. The OEGCMJ
 3. The trial counsel
 4. CO of the NLSO

- 2-33. The required oath for reporters may be found in which of the following publications?
1. MCM
 2. UCMJ
 3. JAGMAN
 4. NLSO Manual
- 2-34. When calling the court to order, the military judge is responsible for making sure the name and rank of the detailed court reporter are announced.
1. True
 2. False
- 2-35. What part of the testimony, if any, taken in an open session of court may be omitted from the record?
1. Sessions heard out of the presence of the court members
 2. Those proceedings determined unnecessary by the military judge
 3. The testimony ordered stricken from the record
 4. None
- 2-36. The reporter's primary duty of recording a verbatim proceeding includes what additional responsibility?
1. Recording the name of the bailiff
 2. Making sure the court is started on time
 3. Recording the actions of all parties to the trial
 4. The swearing in of witnesses
- 2-37. What person is responsible for securing any evidence during recesses or adjournments?
1. Bailiff
 2. Military judge
 3. Reporter
 4. Trial counsel
- 2-38. Trial notes and recordings must be maintained up to what point in a (a) summarized record of trial (ROT) and (b) verbatim ROT?
1. (a) Until the CA's action is taken; (b) until final action or appellate review is completed
 2. (a) Until the record is authenticated; (b) until the CA's action is taken
 3. (a) Until the record is authenticated; (b) until final action or appellate review is complete
 4. (a) Until the promulgating order is published; (b) until NMCMR completes its action
- 2-39. Which of the following methods may be used to record the proceedings of a court-martial?
1. Shorthand and stenotype only
 2. Multichannel or videotape only
 3. Longhand, shorthand, or electrical means only
 4. Longhand, shorthand, electrical, or mechanical means
- 2-40. Which of the following items are maintained on a reporter's log?
1. The descriptions of the exhibits admitted
 2. The stages of examination
 3. The names of the members
 4. All of the above
- 2-41. When you are transcribing a record of trial, which of the following margin settings is correct?
1. Left margin, 1 1/2 inches
 2. Top margin, 2 inches
 3. Right margin, 1/2 inch
 4. Bottom margin, 1/2 inch
- 2-42. On a record of trial, in what position should second and subsequent lines be placed?
1. Indented 5 spaces
 2. Indented 2 spaces
 3. Flush with the left margin
 4. Indented 4 spaces

IN ANSWERING QUESTIONS 2-43 AND 2-44,
SELECT THE RECORD OF TRIAL ABBREVIATION
THAT CAN BE USED IN THE SITUATION LISTED
AS THE QUESTION.

2-43. As a prefix to statements.

1. Mr.
2. USS
3. U.S.
4. TC:

2-44. Used in text or when transcribing
gestures.

1. U.S.
2. TC
3. PRES:
4. MJ:

2-45. Which of the following statements
shows the correct format for using
numbers?

1. Parts two and three were
missing
2. A difference of four percent
3. It was two inches long
4. I gave him \$15.25

2-46. When testimony is transcribed, what
symbol is used to indicate that one
speaker was interrupted by another?

1.
2. ****
3. ----
4. --

2-47. What symbol is used to identify a
reporter's remark?

1. Parenthesis
2. Bracket
3. Asterisk
4. Hyphen

2-48. When you are transcribing a record,
where is the stage of examination
placed?

1. Centered on the page
2. Indented 2 spaces from the left
margin
3. Flush with the left margin
4. Indented 4 spaces

2-49. A witness called for the defense is
initially examined by the
prosecution.

1. True
2. False

2-50. Which of the following symbols is
used to mark the first appellate
exhibit admitted into evidence?

1. A
2. a
3. 1
4. I

2-51. Who is responsible for directing
that the words *for identification*
are to be removed from an exhibit?

1. Trial counsel
2. Defense counsel
3. Military judge
4. Reporter

2-52. In what manner is real evidence
marked?

1. With identifying markings on a
sticky label
2. With identifying markings on a
tag
3. By attaching an evidence
custody document
4. With identifying markings
etched on the evidence

2-53. Which of the following special
court-martial sentences requires a
verbatim record of trial?

1. 4 months' confinement
2. Total forfeitures for 2 months
3. Reduction in rate to E-1
4. 30 days' restriction, BCD

2-54. Which of the following officials is responsible for (a) assigning a security classification to a record of trial and (b) removing classified material from the accused's copy of the record of trial?

1. (a) Convening authority;
(b) trial counsel
2. (a) Trial counsel;
(b) convening authority
3. (a) Military judge;
(b) convening authority
4. (a) Convening authority;
(b) reporter

- | |
|---|
| <p>A. Matters submitted by the accused</p> <p>B. Advice of the SJA</p> <p>C. DD Form 457</p> <p>D. Court-martial orders</p> |
|---|

Figure 2A

IN ANSWERING QUESTION 2-55, REFER TO FIGURE 2A.

2-55. In what exact order should the respective documents be placed in a record of trial?

1. A, C, D, B
2. A, D, C, B
3. C, A, D, B
4. D, A, C, B

2-56. When, if ever, may a court reporter authenticate a record of trial?

1. When directed by the military judge
2. Only during the absence of the military judge and trial counsel
3. In a military judge alone case when the duty falls upon a member
4. Never

2-57. In what manner may a record of trial be changed after authentication?

1. Pen and ink by the trial counsel
2. Rewrite by the reporter
3. Pen and ink by the CA
4. Certificate of correction

2-58. GCM and SPCM records of trial must be served on the accused after what action?

1. Delivery to the CA
2. The ROT is authenticated
3. Assembly of the record
4. The advice of SJA is prepared

2-59. What is the purpose of the DD Form 490 kit?

1. To prepare a verbatim ROT
2. To prepare a summary ROT
3. To prepare a summarized ROT
4. To prepare an Article 32 report

2-60. Good cause must be shown to the CA for a member to be excused after which of the following stages of a court-martial?

1. Pleas
2. Arraignment
3. Article 39a hearing
4. *Voir dire*

2-61. Which of the following personnel may NOT be punished for contempt of court?

1. Trial counsel
2. Reporter
3. Members
4. Bailiff

2-62. When does the punishment of a fine adjudged during contempt proceedings take effect?

1. Immediately when adjudged
2. Upon completion of the court-martial in which the contempt occurred
3. When ordered executed by the CA
4. When ordered executed by the promulgating order of the case in which it occurred

- 2-63. In what manner is an offender of a contempt proceeding notified of the holding, punishment, and CA's action?
1. Orally by the military judge
 2. By notation in the promulgating order
 3. By forwarding a copy of the contempt proceedings to the offender
 4. By letter from the CA
- 2-64. Who is responsible for preparing a certificate of correction?
1. Reporter
 2. Trial counsel
 3. Military judge
 4. Convening authority
- 2-65. Which of the following statements regarding a proceedings in revision is NOT correct?
1. The court may revoke its former findings
 2. The court may announce a new finding
 3. A new military judge may be detailed to a case previously heard by a military judge alone
 4. Some original members may be absent as long as a quorum is present
- 2-66. In what case must the summary of evidence considered by a summary court-martial be attached to the record?
1. The accused pled not guilty and was found guilty
 2. The accused pled guilty and was found guilty
 3. The accused pled guilty and was found not guilty
 4. The accused pled not guilty and was found not guilty
- 2-67. What are the two types of depositions that can be taken to preserve the testimony of a witness who is unable to be in court?
1. Formal and informal
 2. Formal and oral
 3. Written and oral
 4. Written and informal
- 2-68. Once interrogatories, objections, and cross interrogatories are prepared and approved by the CA, what step is taken next?
1. The TC requests the assignment of a deposition officer
 2. The TC prepares a DD Form 456
 3. The CA appoints a deposition officer
 4. The CA sends the deposition form to the deposition officer
- 2-69. Objections made during the taking of a written deposition are ruled on by what official or activity?
1. Deposition officer
 2. The court
 3. The convening authority
 4. Convening authority of the deposition officer
- 2-70. An oral deposition is authenticated by what official?
1. Trial counsel
 2. Defense counsel
 3. Deposition officer
 4. Deponent

ASSIGNMENT 3

Textbook Assignment: "Constitutional Considerations," chapter 4, pages 4-1 through 4-25.

3-1. Article 31, UCMJ, has a broader interpretation of the protection against self-incrimination than the Fifth Amendment.

1. True
2. False

3-2. The right to have the assistance of counsel for a person's defense is a right under what constitutional amendment?

1. Fifth
2. Sixth
3. Third
4. Fourth

IN ANSWERING QUESTIONS 3-3 AND 3-4, SELECT THE PROPER SUBSECTION OF ARTICLE 31, UCMJ, STATED AS THE QUESTION.

3-3. No person may interrogate or request any statement from an accused or a person without first informing him or her of the nature of the accusation.

1. (a)
2. (b)
3. (c)
4. (d)

3-4. No statement illegally obtained through coercion may be used against an accused at trial.

1. (a)
2. (b)
3. (c)
4. (d)

3-5. What two words are the keys to understanding Article 31(a)?

1. Questioning and interrogating
2. Compulsion and self-incrimination
3. Evidence and guilt
4. Self-incrimination and interrogation

3-6. While interviewing a witness, you learn that the witness may be a suspect to the commission of a crime. What action, if any, should you take?

1. Make a notation on the interview sheet and forward it to the trial counsel
2. Administer Article 31 rights to the witness before continuing the interview
3. Stop the interview and forward the results to the Naval Criminal Investigative Service
4. None

3-7. During an interrogation, an accused makes a confession without proper warnings being given. What type of a statement is this?

1. Voluntary
2. Spontaneous
3. Involuntary
4. Compelled

3-8. The cleansing warning procedure was sanctioned by what official body?

1. JAG
2. Supreme Court
3. COMA
4. NAMARA

3-9. An oral confession or admission not reduced to writing is valid as a writing in court.

1. True
2. False

3-10. Which, if any, of the following acts would require Article 31(b) rights to be given first?

1. Provide a urine sample
2. Submit to fingerprinting
3. Provide a handwriting exemplar
4. None of the above

3-11. An accused requests counsel during questioning and is dismissed. Under what circumstance, in any, may the accused be requested?

1. After preferral of charges
2. After an appointment with counsel has been made
3. After counsel has been made available
4. None

3-12. Custody for the purpose of the counsel requirement is best defined in which of the following statements?

1. Custody in a brig
2. Placed in handcuffs
3. Any deprivation of one's freedom of action
4. Any confinement initiated with a confinement order

3-13. Which of the following custodial situations would require Article 31(b) warnings?

1. SN Line is questioned by the legal officer regarding a 20-minute UA
2. OS1 Hatch is questioned at security regarding a domestic dispute
3. PR2 Deck is questioned at NCIS regarding the theft of a car
4. FR Pistol appears at mast and is questioned regarding a DUI

(This section left blank intentionally)

3-14. When an accused indicates a desire to terminate the interview after an Article 31 warning has been given, what action should be taken next?

1. The interview is continued and any statement made after the indication to terminate the interview is admissible in a trial
2. The interview is continued and any statement made after the indication to terminate the interview is inadmissible in a trial
3. The interview is terminated
4. The accused is advised that failure to continue the interview would be in violation of Article 92, UCMJ

3-15. What is meant by the term *primary taint*?

1. Initial evidence of a crime
2. Initial confession of a crime
3. The first violation of the accused's rights against self-incrimination
4. The evidence obtained by an illegally obtained confession

3-16. After advising an accused of his or her Article 31 rights, the interrogator must ensure that what action is completed?

1. All rights were given exactly as stated in the JAGMAN
2. The accused reads the rights statement
3. The accused knows which amendments provide his or her rights
4. The accused fully understands his or her rights

3-17. What constitutional amendment protects an individual against unreasonable searches and seizures?

1. First
2. Fifth
3. Sixth
4. Fourth

- 3-18. Information given to establish probable cause for a search should be given under oath.
1. True
 2. False
- 3-19. Where may guidance on the military law of search and seizure be found?
1. MCM, Appendix 14
 2. UCMJ
 3. *Military Rules of Evidence*
 4. *U.S. Constitution*
- 3-20. A probable cause determination should be based on what factor?
1. A reasonable belief
 2. A preponderance of the evidence
 3. Actual evidence
 4. Factual basis
- 3-21. A senior noncommissioned officer who is an OIC may authorize a search.
1. True
 2. False
- 3-22. The term *jurisdiction* pertains to what two terms?
1. Authority and neutrality
 2. Person and property
 3. Place and property
 4. Person and place
- 3-23. A CO's authority to search off base extends to what jurisdictional authority, if any?
1. Place
 2. Property
 3. Person
 4. None
- 3-24. Which, if any, of the following areas may be searched without a command-authorized search being authorized?
1. A locker in a BEQ room assigned to a person suspected of distributing dangerous drugs
 2. The car of an individual suspected of stealing government property
 3. The desk of an individual suspected of possessing dangerous drugs
 4. None of the above
- 3-25. Under what specific circumstance may a foreign agent search an area considered an extension of the sovereignty of the United States?
1. When in pursuit of a known felon
 2. Only when assigned by a U.S. State Department representative
 3. When authorized by international agreement
 4. When probable cause is presented
- 3-26. Which of the following persons may authorize a search?
1. Command duty officer
 2. Chief staff officer
 3. Staff judge advocate
 4. Executive officer, acting
- 3-27. A commanding officer taking action on a search authorization feels he cannot remain neutral and detached in his decision. Who may then authorize the search?
1. Executive officer
 2. Command duty officer
 3. Legal officer
 4. Next superior commander in the chain of command

- 3-28. The factual basis requirement for probable cause is met when an individual reaches which of the following conclusions?
1. The property in question is what it is alleged to be
 2. The property in question is located where it is alleged to be
 3. Both 1 and 2 above
 4. The property in question is in fact the means or fruit of a crime
- 3-29. An informant's identity must be disclosed to the authorizing officer in order to establish reliability.
1. True
 2. False
- 3-30. When a search authorization is prepared, what information must be included on the authorization?
1. The name of the place or person to be searched
 2. A description of the property to be seized
 3. A statement that the information giving probable cause was provided under oath
 4. All of the above
- 3-31. Under what circumstance may hearsay information be used to establish probable cause?
1. When made by an anonymous phone call
 2. When the information is only twice removed from the source
 3. When made by an informant
 4. When corroborated by other facts or circumstances
- 3-32. A government vehicle is stopped upon entering an installation and searched under the suspicion that it contains stolen property. What type of search would this be?
1. Exigency search
 2. Consent search
 3. Search incident to lawful apprehension
 4. Search not requiring probable cause
- 3-33. For a consent search to be valid, in what specific manner must the consent be given?
1. Freely and voluntarily
 2. Informal and voluntary
 3. Intelligently and freely
 4. Freely out of the face of authority
- 3-34. At which of the following moments should an individual be informed of his or her right to refuse a consent search?
1. During a stop and frisk search
 2. Whenever requested under the face of authority
 3. When requesting a consent urinalysis
 4. Before every consent search
- 3-35. A consent to search form executed by a suspected drug offender may be revoked after signing and before the actual search begins.
1. True
 2. False
- 3-36. During a stop and frisk situation, to what extent may a person search another individual?
1. An internal search of all garment pockets
 2. A pat down or frisk of the outer garments
 3. The removal of clothing and shoes
 4. The emptying of pockets and check under the beltline

- 3-37. A proper consent search must contain what specific number of signatures?
1. One
 2. Two
 3. Three
 4. Four
- 3-38. A search incident to a lawful apprehension is limited to which of the following places?
1. The person being apprehended
 2. The person's clothing
 3. The places that can be reached by the person
 4. All of the above
- 3-39. Nonconsensual intrusions into body cavities may be performed by which of the following personnel?
1. Police personnel
 2. Brig personnel
 3. A person with appropriate medical qualifications
 4. All personnel on an exigency basis
- 3-40. Evidence of contraband obtained through a normal physical evaluation may be seized.
1. True
 2. False
- 3-41. A military working dog's reliability may be determined by the CO using which of the following methods?
1. The amount of training conducted between the dog and its handler
 2. The accuracy of the dog's alert in a controlled situation
 3. The prior record of the dog's handler
 4. The record of training maintained on the dog
- 3-42. An examination conducted for the purpose of ensuring the security, military fitness, good order, and discipline of an organization is the definition of which of the following terms?
1. Inventory
 2. Shakedown search
 3. Inspection
 4. Gate search
- 3-43. What method is used to show that an inspection is not a subterfuge for a search?
1. Prescheduling inspections
 2. Assigning random inspections
 3. Preannouncing inspections
 4. Randomly announcing inspections
- 3-44. A military working dog is considered as what type of inspection aid?
1. Biological
 2. Natural
 3. Technological
 4. Human assisted
- 3-45. Which of the following sources provides detailed guidance for the collection, analysis, and use of urine samples?
1. MILPERSMAN
 2. OPNAVINST 5350.4B
 3. JAGMAN
 4. SORM
- 3-46. A completed urinalysis consent form must contain what specific number of signatures?
1. One
 2. Two
 3. Three
 4. Four
- 3-47. Approval to conduct a unit sweep urinalysis should be granted by what authority?
1. Commanding officer
 2. Second-echelon commander
 3. Local drug lab commanding officer
 4. Chief of Naval Operations

3-48. Service-directed testing falls under the authority of what official?

1. Commanding officer
2. Chief of Naval Operations
3. Chief of Naval Personnel
4. Secretary of the Navy

3-49. What is surveillance testing?

1. A command-directed test given due to a member's suspicious behavior
2. A command-directed test given when a command has doubt as to a member's wrongful use of drugs
3. Periodic command-directed tests for drug abusers who do not participate in a rehabilitation program
4. Rehabilitation program testing

3-50. Positive results of a command-directed test may be used for which of the following purposes?

1. Admin separation processing
2. Disciplinary proceedings
3. Vacation of suspension of execution of punishment imposed at mast
4. Referral to a DOD treatment program

ASSIGNMENT 4

Textbook Assignment: "Nonjudicial Punishment," chapter 5, pages 5-1 through 5-48.

- 4-1. The basic laws of NJP may be found in what section of the *Manual for Courts-Martial*?
1. Part I
 2. Part B of chapter 1
 3. Part V
 4. Part IV
- 4-2. Which of the following statements is correct concerning NJP?
1. It is a forum for command members to air grievances
 2. The legal protection is less extensive than it is for nonpunitive measures
 3. It provides commanders with a means for promoting positive behavior changes
 4. All NJP authority must be delegated by SECNAV
- 4-3. Which of the following officers may delegate all or a portion of his or her Article 15 powers?
1. CAPT Line, CO, USS *Eisenhower*
 2. VADM Deck, CNET
 3. LT Hatch, OIC, PSD Mayport
 4. RADM Door, COMNAVAIRLANT CSO
- 4-4. No officer may limit the exercise of any Article 15 authority of a subordinate commander without the authority of what official?
1. CNO
 2. SECDEF
 3. CHNAVPERS
 4. SECNAV
- 4-5. Which of the following personnel may be taken to mast by a Navy commander?
1. TSGT Brush, USAF
 2. SSGT Doe, USA
 3. MM3 Craft, USCG
 4. CPL Pistol, USMC
- 4-6. Under what circumstance, if any, may Reserve personnel recalled to active duty for imposition of NJP receive punishment involving restraint?
1. When recalled to active duty by the CO of the Reserve center
 2. When the recall to active duty was approved by SECNAV
 3. When recalled to active duty for a period longer than the period of restraint
 4. None
- 4-7. At what time does a member's right to refuse the imposition of NJP terminate?
1. When he or she signs the report chit accepting mast
 2. When he or she signs the rights acknowledgement form before the mast
 3. When he or she appears before the CO
 4. When the punishment is announced
- 4-8. The term *minor offense* means misconduct not more serious than that usually handled at which of the following forums?
1. Summary court-martial
 2. Special court-martial
 3. General court-martial
 4. Nonjudicial punishment
- 4-9. Who makes the final determination as to whether or not an offense is considered minor?
1. Legal officer
 2. Senior resident, NCIS
 3. XO
 4. CO

- 4-10. A CO who has imposed NJP may not later refer the same case to a court-martial.
1. True
 2. False
- 4-11. A member may only be taken to NJP when acquitted by which of the following courts?
1. Juvenile court
 2. Federal district court
 3. Special court-martial
 4. General court-martial
- 4-12. Where should instructions be found for processing a Report and Disposition of Offense(s), NAVPERS Form 1626/7?
1. JAGMAN
 2. MCM
 3. BUPERSINST 1626.1
 4. On the form itself
- 4-13. The NAVPERS Form 1626/7 serves all EXCEPT which of the following functions?
1. Records any premast restraint
 2. Serves as a preliminary inquiry report
 3. Records that the appeal rights have been explained to the accused
 4. Includes all premast rights that must be given to the accused
- 4-14. In what manner should witnesses be listed on the NAVPERS Form 1626/7?
1. Civilian witnesses and then military witnesses in order of seniority
 2. Military witnesses and then civilian witness in alphabetical order
 3. Military witnesses by seniority and then civilians
 4. Military and civilian witnesses in the order of involvement in the offense
- 4-15. If an accused refuses to sign the NAVPERS Form 1626/7 acknowledging being informed of the accusation(s) against him or her, what action must be taken?
1. The person informing the accused must sign for the accused
 2. The witness signs the form attesting to that fact
 3. The accused must be given a direct order to sign the form and if he or she still refuses, he or she is charged with an Article 91 violation
 4. The form is forwarded without any signatures and the person informing the accused must provide a voluntary statement
- 4-16. Who must sign the premast restraint section of the NAVPERS Form 1626/7 when restriction is imposed?
1. The accused only
 2. The CO and the accused
 3. The person informing the accused of the offense(s) and the accused
 4. The person imposing the restraint and the accused
- 4-17. NJP preheating rights may be found in which of the following places?
1. JAGMAN, chapter 1
 2. JAGW, appendix A-1-b, A-1-c, and A-1-d
 3. MCM
 4. On the report chit
- 4-18. The term *Booker rights* includes which of the following rights?
1. The accused was offered an opportunity to talk with an attorney before deciding whether to demand trial by court-martial
 2. The accused was informed that acceptance of NJP does not prevent further administrative action
 3. The accused was offered an opportunity to demand trial by court-martial
 4. All of the above

- 4-19. At mast, the CO's determination of the accused's guilt is based on which of the following evidentiary foundations?
1. Preponderance of the evidence
 2. Credible evidence
 3. Findings of fact
 4. Probable circumstances
- 4-20. Which of the following statements is correct regarding the presence of personnel representatives and witnesses at an NJP hearing?
1. Civilians may be subpoenaed to attend
 2. Witnesses from another command may be ordered to attend at the expense of their witnesses
 3. Witnesses from another command may be ordered to attend at the expense of the command holding the NJP
 4. A civilian lawyer may represent the accused at an NJP hearing
- 4-21. The results of NJP may not be published later than what time period?
1. 1 month after the date an appeal is denied
 2. 2 weeks after the NJP
 3. 2 months after the NJP
 4. 1 month after the appeal was submitted
- 4-22. Which of the following actions may be taken by a CO in conjunction with an NJP hearing?
1. Refer the case to an Article 32 pretrial investigation
 2. Dismiss the case with a warning
 3. Postpone the action pending further investigation
 4. Each of the above
- 4-23. An OIC's NJP power is limited to that of a CO in which of the following paygrade ranges?
1. W1 - O2
 2. O1 - O2 only
 3. O2 - O3 only
 4. O1 - O3
- 4-24. Which of the following NJP punishments may be awarded to an E-3 enlisted accused by an OIC?
1. Correctional custody for 14 days
 2. Correctional custody for 7 days
 3. Restriction for 15 days
 4. Forfeiture of one-half of 1 month's pay for 1 month
- 4-25. What maximum number of punishments may be imposed at mast?
1. Five
 2. Six
 3. Seven
 4. Eight
- 4-26. Procedures for issuing punitive letters may be found in which of the following publications?
1. *U.S. Navy Regulations, 1990*
 2. MCM
 3. JAGMAN
 4. MILPERSMAN
- 4-27. An officer placed on arrest in quarters may only be confined to his or her room under what condition?
1. The officer is stationed on board a ship
 2. The officer has been relieved of all duties
 3. The safety or the discipline of the ship requires it
 4. The officer is in paygrade O3 or below
- 4-28. Which of the following statements is correct concerning extra duties?
1. Guard duty may not be assigned as extra duty
 2. They must be performed during normal working hours
 3. Any type of duty may be assigned
 4. They are performed on all days except holidays

- 4-29. A CO may defer confinement on bread and water for what maximum time period?
1. 1 month
 2. 6 months
 3. 3 days
 4. 15 days
- 4-30. A member submits an appeal from mast and requests that punishment involving restraint be stayed pending action on the appeal. When will the stay take effect?
1. Upon receipt of the appeal by the CO
 2. 5 days after the appeal was submitted if no action is taken
 3. 3 days after the appeal was submitted if no action is taken
 4. 15 days after the appeal was submitted if no action is taken
- 4-31. Which of the following NJP punishments is lawful?
1. Arrest in quarters and 10 days' restriction
 2. Confinement on bread and water and 15 days' extra duty
 3. Reduction in rate to E-2 and forfeiture of one-half of 1 month's pay per month for 2 months
 4. Correctional custody and 10 days' extra duty
- 4-32. A CO who desires to set aside an NJP punishment must do so within what maximum number of months?
1. 1
 2. 6
 3. 3
 4. 4
- 4-33. A letter of notification setting aside an NJP is addressed to what official?
1. Chief of Naval Personnel
 2. Officer exercising general court-martial jurisdiction
 3. Cognizant disbursing officer
 4. Cognizant personnel officer
- 4-34. A member serving an NJP punishment reaches his or her EAOS. What effect does this have on the punishment?
1. All punishment involving forfeitures are collected before EAOS
 2. All unexecuted punishment is remitted
 3. All unexecuted punishment must be mitigated
 4. All unexecuted punishment is suspended
- 4-35. The punishment of reduction in rate to E-2 may be mitigated to what punishment?
1. Correctional custody
 2. Confinement on bread and water
 3. Restriction
 4. Forfeiture of pay
- 4-36. Which of the following statements is correct concerning suspended punishments?
1. The running of the period of suspension is interrupted by the unauthorized absence of the accused
 2. The order vacating a suspended punishment must be issued within 5 days of the start of the vacation proceedings
 3. An executed punishment of forfeiture may be suspended within 6 months after its execution
 4. The probationary period cannot exceed 4 months from the date of suspension
- 4-37. Which of the following reasons may an accused properly use as a basis to appeal punishment from NJP?
1. More than one punishment was awarded for a single offense
 2. The punishment was disproportionate to the offense
 3. The accused was not represented by a lawyer at mast
 4. The punishment has an adverse effect on the accused's financial obligations

- 4-38. To what official should an accused's appeal letter be addressed?
1. CO who imposed the punishment
 2. Area coordinator's SJA
 3. Area coordinator
 4. CO via the legal officer
- 4-39. An accused submits an appeal and the CO takes corrective action based on the appeal. What disposition is made of the appeal letter?
1. The appeal is forwarded stating the corrective action taken
 2. The appeal is considered approved by the CO and his or her action is final
 3. The punishment is considered mitigated and the appeal is returned to the accused
 4. The appeal is returned to the accused for reconsideration by the accused
- 4-40. The last endorsement to an appeal package is addressed to what official?
1. Accused
 2. Officer exercising general court-martial jurisdiction
 3. CO of the accused
 4. Personnel officer
- 4-41. An oral reprimand given at mast must be officially recorded in which of the following manners?
1. Reduced in writing in the format prescribed in the JAGMAN
 2. Notated on the report chit
 3. Notated on page 9 of the service record
 4. Notated in a page 13 counseling/warning entry
- 4-42. The results of mast on an officer are officially recorded in what manner?
1. Page 13 entry in the service record
 2. Page 7 entry in the service record
 3. By submission of a special fitness report on the officer
 4. Letter report to PERS-82 via the first flag officer in the chain of command
- 4-43. What publication contains the proper procedures for the preparation of OCR documents?
1. MILPERSMAN
 2. JAGMAN
 3. PAYPERSMAN
 4. *Correspondence Manual*
- 4-44. When a CO refers a case from mast to court-martial, what action, if any, must be taken regarding an enlisted accused's service record?
1. A page 13 entry must be prepared
 2. A page 9 entry must be prepared
 3. A NAVPERS 1070/607 must be prepared
 4. None
- 4-45. When NJP is imposed on an enlisted member, what page of the service record must always be annotated?
1. 13
 2. 9
 3. 6
 4. 4
- 4-46. When a forfeiture is imposed at NJP, what enlisted service record page(s) must be prepared?
1. 7 and 9 only
 2. 6, 9, and 13 only
 3. 7, 9, and 13 only
 4. 6, 7, 9, and 13

4-47. Before imposing punishment that affects pay at mast, the CO must make what decision regarding the absence?

1. Whether the absence should be considered as lost time
2. The absence was unauthorized and unexcused
3. The exact length of the UA period
4. Whether the absence was unavoidable

4-48. If your command does not have the facilities to impose restriction, what action should be taken?

1. Defer the punishment until facilities are in place
2. Mitigate the punishment
3. Suspend the punishment
4. Send the accused TEMADD to a command with the facilities

4-49. The record of what type(s) of NJP hearings must be filed in a unit punishment book?

1. All NJP hearings that refer cases to court-martial only
2. All NJP hearings that impose punishment that affect pay only
3. All NJP hearings that impose punishment only
4. All NJP hearings

4-50. When should the NAVPERS Form 1626/7 be filed in the unit punishment book?

1. When all service record pages recording the mast have been completed
2. When the accused has served all imposed punishment
3. When all administrative actions have been completed
4. When the punishment has been published in the POD

ASSIGNMENT 5

Textbook Assignment: "Pretrial Matters," chapter 6, pages 6-1 through 6-46.

- 5-1. A specification must contain which of the following items?
1. Elements of the offense
 2. Jurisdictional information
 3. Details of the offense
 4. All of the above
- 5-2. Which of the following examples correctly identifies how a second additional charge should be identified?
1. Additional Charge II:
 2. Additional Charge 2:
 3. Additional Charge b:
 4. Additional Charge B:
- 5-3. When a charge with one specification is typed on a charge sheet, in what manner should the specification be identified?
1. Specification:
 2. Specification 1:
 3. Specification a:
 4. Specification I:
- 5-4. Which of the following examples correctly states the manner in which a member's rate should be typed in a specification?
1. Boiler Technician Second Class Petty Officer
 2. Third Class Operations Specialist
 3. Petty Officer Second Class
 4. Personnelman Second Class
- 5-5. Which of the following pieces of information should NOT be included in a specification?
1. Branch of service of the accused
 2. The social security number of the accused
 3. The time the alleged offense occurred
 4. The organization of the accused
- 5-6. Personal jurisdiction is included in a specification by using what term?
1. On active duty
 2. Attached to
 3. U.S. Navy
 4. Accused's name
- 5-7. The exact hour of an offense should only be used when alleging absence offenses.
1. True
 2. False
- 5-8. In what part of the *Manual for Courts-Martial* will you find suggested forms and wording for drafting specifications?
1. Part I
 2. Part V
 3. Part III
 4. Part IV
- 5-9. Which of the following abbreviations are allowed within a specification?
1. USN and USS
 2. USS and U.S.
 3. UCMJ and U.S.
 4. USS and UCMJ
- 5-10. When an accused is released from pretrial confinement after the charge sheet is prepared but before trial, who is responsible for amending the charge sheet?
1. Legal officer/SJA
 2. Accuser
 3. CO
 4. Trial counsel

- 5-11. Charges are officially preferred in what block of the charge sheet?
1. 11a
 2. 11c
 3. 11d
 4. 11e
- 5-12. The administration of the oath to charges is required by what specific authority?
1. Article 136, UCMJ
 2. Article 136a, UCMJ
 3. JAGW, chapter 1
 4. RCM 307, MCM
- 5-13. On a charge sheet, what action is required under RCM 308, MCM?
1. An oath to be administered to the accuser
 2. The officer administering the oath to the accuser must actually witness the signature
 3. The immediate commander will cause the accused to be informed of the charges against him or her and the name of the accuser
 4. The accuser must have personal knowledge of the facts of the case
- 5-14. The commanding officer is the only person that may sign a charge sheet as receiving the sworn charges.
1. True
 2. False
- 5-15. A CA desires to include special instructions regarding a court-martial. Where must they appear?
1. In the preferral section of the charge sheet
 2. In the referral section of the charge sheet
 3. In the receipt for charges section of the charge sheet
 4. In the convening order
- 5-16. What person is ultimately responsible for serving a copy of the charge sheet on the accused?
1. Accuser
 2. Trial counsel
 3. Convening authority
 4. Defense counsel
- 5-17. Normally, what is the minimum number of days after service of charges that an accused may be brought to trial by (a) general court-martial and (b) special court-martial?
1. (a) 7; (b) 5
 2. (a) 5; (b) 3
 3. (a) 10; (b) 7
 4. (a) 10; (b) 5
- 5-18. Convening orders may be signed by which of the following personnel?
1. CO only
 2. CO or XO
 3. Legal officer with "by direction" authority only
 4. Any officer with written authorization from the CO
- 5-19. Sample forms for convening orders may be found in what appendix of the MCM?
1. 1
 2. 5
 3. 6
 4. 14
- 5-20. What is the function of an amending order?
1. To change the type of court that charges were originally referred
 2. To add or substitute members
 3. To add or change charges and/or specifications
 4. To include pretrial agreement provisions

- 5-21. A pretrial agreement is an agreement between which of the following personnel?
1. Defense counsel and convening authority
 2. Trial counsel and defense counsel
 3. Military judge and accused
 4. Convening authority and accused
- 5-22. What is the primary reason a convening authority enters into pretrial agreements?
1. To show clemency
 2. To save money and manpower
 3. To lessen the burden of proof on the trial counsel
 4. To reduce the length of the review process
- 5-23. A pretrial agreement may only be entered into in what type of court(s)?
1. General
 2. Special
 3. Both 1 and 2 above
 4. Summary
- 5-24. Only the defense may initiate negotiations for a pretrial agreement.
1. True
 2. False
- 5-25. Which of the following persons may sign a pretrial agreement for the government?
1. CA
 2. TC
 3. CA's SJA
 4. All of the above
- 5-26. When, if ever, may the military judge preexamine the complete pretrial agreement?
1. In a trial with members
 2. In a judge alone case
 3. In all cases
 4. Never
- 5-27. What are the two types of grants of immunity?
1. Transactional and information
 2. Transactional and testimonial
 3. Procedural and testimonial
 4. Jurisdictional and testimonial
- 5-28. Which of the following authorities may grant immunity for a military witness?
1. OEGCMJ
 2. TC
 3. MJ
 4. CA
- 5-29. If a case has been referred for trial, who will send the recommendation for a grant of immunity to the OEGCMJ?
1. CA
 2. TC
 3. Pretrial investigating officer
 4. DC
- 5-30. A civilian witness refuses to testify at a court-martial based on his or her privilege against self-incrimination. Before issuing an order to testify, the OEGCMJ must have the approval of what authority?
1. SECNAV (JAG)
 2. JAG
 3. U.S. Attorney General
 4. State attorney
- 5-31. After an immunized witness has testified at a trial a verbatim transcript of the testimony must be forwarded to whom?
1. Department of Justice
 2. JAG
 3. U.S. Attorney General
 4. OEGCMJ
- 5-32. A grant of immunity must be set forth in the format found in what publication?
1. MCM, app 6
 2. MCM, app 14
 3. JAGMAN, app 1
 4. JAGMAN, app A

- 5-33. Which of the following personnel determines whether a requested individual military counsel (IMC) is reasonably available?
1. JAG
 2. OEGCMJ
 3. CO of the requested IMC
 4. The requested IMC
- 5-34. If a trial counsel contends production of a particular defense witness, the defense can renew the matter with what authority?
1. Military judge
 2. OEGCMJ'S SJA
 3. CA
 4. JAG
- 5-35. The cost of travel of witnesses is charged to the TAD travel account of what authority?
1. CA
 2. CO of witness
 3. OEGCMJ
 4. NLSO
- 5-36. A subpoena may only be issued to compel which of the following witnesses to appear at a court-martial?
1. YNC Christmas
 2. Mr. Line, GS-14
 3. Mr. Deck, civilian
 4. Mr. Frost, a foreign national in a foreign country
- 5-37. Instructions for the preparation of a DD Form 453 should be found in what source?
1. MCM
 2. JAGMAN
 3. JFTR
 4. DD Form 453
- 5-38. When should court-martial flyers be prepared?
1. Before the initial Article 39(a) session
 2. Before findings
 3. Before sentencing
 4. Before the prosecution's case-in-chief
- 5-39. What is the function of a findings worksheet?
1. To advise the members of all possible findings
 2. To assist the president of a court-martial to properly announce findings
 3. To officially record the findings of the members
 4. To provide instructions on the deliberations process
- 5-40. What individual is ultimately responsible for the preparation of the findings worksheet?
1. TC
 2. MJ
 3. Reporter
 4. Convening authority
- 5-41. When is the sentence worksheet prepared in a trial with members?
1. Before trial
 2. Before findings
 3. After instructions on sentencing
 4. After the Article 39(a) session on instructions for sentencing
- 5-42. Where in a record of trial is the sentencing worksheet placed?
1. In the prosecution exhibits
 2. In the defense exhibits
 3. In the appellate exhibits
 4. Where introduced in the record of trial

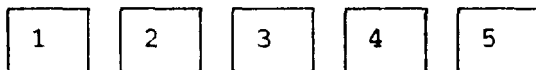


Figure 5A

IN ANSWERING QUESTIONS 5-43 THROUGH 5-45, REFER TO FIGURE 5A. FOR A SPECIAL COURT-MARTIAL, A CDR, LCDR, LT, LTJG, AND AN ENS ARE ASSIGNED AS MEMBERS. SELECT THE PROPER SEATING POSITION FOR THE MEMBER LISTED AS THE QUESTION. (NOTE: MEMBERS ARE FACING THE TOP OF THE PAGE.)

5-43. Senior member.

1. 1
2. 2
3. 3
4. 4

5-44. Lieutenant.

1. 5
2. 2
3. 3
4. 4

5-45. Ensign.

1. 1
2. 2
3. 3
4. 5

5-46. Questions by members during trial are reduced to writing and submitted to whom for review?

1. Trial counsel
2. Defense counsel
3. Both 1 and 2 above
4. Senior member

5-47. When referring to evidence, what is meant by the term *authentication*?

1. Attesting that the evidence is tagged properly
2. Proof that the evidence to be admitted is what it is
3. That the evidence seized actually exists
4. That the security of the evidence was properly maintained

5-48. What number of in-court identification methods exists?

1. One
2. Two
3. Three
4. Four

5-49. What copy of the OPNAV Form 5527/22 is maintained in the case file?

1. Original
2. First copy
3. Second copy
4. Third copy

5-50. What is the minimum rank that must be held by an evidence custodian?

1. O-3
2. E-5
3. E-6
4. E-7

ASSIGNMENT 6

Textbook Assignment: "Court-Martial Trials," chapter 7, pages 7-1 through 7-30.

- | | |
|---|---|
| <p>6-1. An accused has no right to representation by counsel at a summary court-martial.</p> <ol style="list-style-type: none">1. True2. False <p>6-2. An individual tried by a state court may only be referred to trial by a summary court-martial with the permission of what authority?</p> <ol style="list-style-type: none">1. SECNAV2. OPNAV3. CHNAVPERS4. OEGCMJ <p>6-3. A summary court-martial is created in what manner?</p> <ol style="list-style-type: none">1. By annotation on a report chit referring it to court-martial2. By order of the CA detailing the summary court-martial officer to the court3. By preparation of a summary court-martial convening order4. By an appointing order to the summary court-martial officer <p>6-4. Normally, what is the lowest grade that a summary court-martial officer should hold?</p> <ol style="list-style-type: none">1. CWO32. LT3. LTJG4. LCDR | <p>6-5. What action should be taken when the CA is the only commissioned officer in a unit and he or she wishes to convene a summary court-martial?</p> <ol style="list-style-type: none">1. Refer the case to the next higher convening authority for trial by SPCM2. Take the accused to mast since he or she cannot appoint himself or herself3. Forward the case to another command for referral4. Appoint an SCM officer from outside the command <p>6-6. In a summary court-martial, who presents the government's case against the accused?</p> <ol style="list-style-type: none">1. SCM officer2. TC3. CA's SJA/legal officer4. Counsel for the government <p>6-7. Which of the following personnel may be tried by a summary court-martial?</p> <ol style="list-style-type: none">1. A commissioned officer2. An enlisted accused who consents to trial3. A warrant officer4. An enlisted member accused of a capital offense |
|---|---|

- 6-8. If the number of charges exceed the amount of room provided on a charge sheet, what action should be taken?
1. Continue the charges on a second charge sheet
 2. Continue the charges on a separate sheet of paper and refer to it as enclosure (1)
 3. Continue the charges on a separate sheet of paper and refer to it as attachment A
 4. Prepare all charges on a separate sheet of paper annotated "see attached sheet" in part II of the charge sheet
- 6-9. The signature of the accuser should appear in what part of the charge sheet?
1. I
 2. II
 3. III
 4. IV
- 6-10. For what reason is an accused informed of the charges against him or her?
1. To provide him or her with reasonable notice of impending criminal prosecution
 2. To provide him or her with notice of what forum the charges will be referred
 3. To start the running of the speedy trial rule
 4. To start the running of the statute of limitations
- 6-11. What is the purpose of the receipt certification on the charge sheet?
1. It starts the running of the speedy trial rule
 2. It starts the running of the statute of limitations for the offense charged
 3. It stops the running of the statute of limitations for the offense charged
 4. It designates the type of court to which the case is being referred
- 6-12. What action should be taken once an SCM case has been referred to trial?
1. The convening order is prepared
 2. The accused is informed of the charges
 3. A preliminary inquiry is conducted
 4. The case file is sent to the SCM officer
- 6-13. In what manner are minor changes made to a charge sheet after referral to an SCM?
1. The change is made and the charges are resworn and rereferred
 2. The SCM officer and the accused initial the changes made
 3. The SCM officer makes pen-and-ink changes and then initials them
 4. The affected charge is withdrawn, corrected, and referred as an additional charge
- 6-14. Where should you find an accused's summary court-martial pretrial advice rights?
1. On the charge sheet
 2. JAGMAN
 3. MCM, appendix 6
 4. MCM, appendix 9
- 6-15. Which of the following forms is used as the record of trial for a summary court-martial?
1. DD Form 2329
 2. DD Form 458
 3. DD Form 457
 4. DD Form 456

- 6-16. Which of the following punishments is NOT a legal summary court-martial punishment?
1. Forfeiture of two-thirds of 1 month's pay
 2. Reduction in rate from E-5 to E-3
 3. Restriction for 2 months
 4. Confinement on bread and water for 3 days and confinement for 20 days of an E-3 at sea
- 6-17. An accused has a statutory right to detailed military counsel at a summary court-martial.
1. True
 2. False
- 6-18. What person is responsible for making sure all relevant evidence for the accused is presented at a summary court-martial?
1. Accused
 2. Accused's defense counsel
 3. SCM officer
 4. Convening authority
- 6-19. If an SCM officer has a question regarding the admissibility of some evidence, where may he or she seek assistance?
1. CA's SJA/legal officer
 2. Local NLSO
 3. Area coordinator
 4. Any judge advocate
- 6-20. An accused may change any plea up to what point of an SCM?
1. Presentation of evidence
 2. Arraignment
 3. Sentencing
 4. Findings
- 6-21. The SCM officer authenticates the record of trial in what manner?
1. By signing and attaching an authentication sheet
 2. By signing each copy of the record of trial
 3. By signing the results of trial memo
 4. By signing the sentence worksheet
- 6-22. An SPCM consists of what minimum number of members?
1. Five
 2. Seven
 3. Three
 4. Four
- 6-23. An SPCM consisting of three members, counsel, and no military judge may NOT award which of the following punishments?
1. 6 months' confinement
 2. BCD
 3. Reduction in rate to E-1
 4. Forfeiture of two-thirds pay per month for 6 months
- 6-24. In an SPCM with members, what person is responsible for presiding during deliberations?
1. Military judge
 2. Senior member
 3. Junior member
 4. A member voted on by all members
- 6-25. Which of the following groups of members properly constitutes the members that may sit on an SPCM for an accused Navy Lieutenant?
1. LT, LTJG, CW02
 2. LCDR, LTJG, ENS
 3. CDR, MAJ (USMC), LCDR
 4. CDR, LT, ENS

- 6-26. When an enlisted accused requests enlisted members on his or her SPCM, the court must consist of what minimum number of enlisted members?
1. One-half
 2. One-third
 3. Two-thirds
 4. One-fourth
- 6-27. When enlisted members are requested, but cannot be assigned due to extraordinary circumstances, what action must be taken?
1. The reasons must be annotated in the special instructions block of the charge sheet
 2. The reasons must be explained in the convening order
 3. An explanation is prepared and sent to the TC for inclusion in the record of trial
 4. An explanation is prepared for inclusion in the promulgating order
- 6-28. An individual military counsel must be qualified under what article of the UCMJ?
1. 19
 2. 27
 3. 28
 4. 38
- 6-29. Charges are officially withdrawn on the charge sheet in which of the following manners?
1. By lining out the charge(s) and specification(s) and having the CA initial and date the entries
 2. By lining out the preferral block of the charge sheet, writing "withdrawn" on the line, then initialing and dating the entry
 3. By drawing a diagonal line across the referral block of the charge sheet, writing "withdrawn" on the line, then having the CA initial and date the entry
 4. By drawing a diagonal line across both sides of the charge sheet, writing "withdrawn" and initialing the entry
- 6-30. In what manner should a CA withdraw a case from one court and rerefer the case to a new court?
1. By preparing a new charge sheet referring the case to the new court
 2. By preparing a new page 2 to the charge sheet and taping it over the original page 2
 3. By lining out the old convening order number on the charge sheet, then penning the new convening order number and initialing each entry
 4. By lining out and initialing the old referral block and executing a new block 14 referral and taping it over the top of the lined-out referral

- 6-31. Additional charges are referred in which of the following manners?
1. By attaching the additional charges to the original charge sheet
 2. By completing a new charge sheet and annotating special instructions that the charges are to be tried with the charges originally referred to court-martial
 3. By completing a new page 1 of the charge sheet and attaching it to the top of the original charge sheet
 4. By attaching a continuation page to the charges and specifications block and attaching it to the back of the charge sheet
- 6-32. In time of peace, an accused may not be brought to trial before and SPCM until 3 days have elapsed since what action was taken?
1. The accused was informed of the charges
 2. The charges were preferred
 3. The charges were referred
 4. Formal service of charges on the accused
- 6-33. The accused's pleas are not a part of the arraignment process.
1. True
 2. False
- 6-34. The inquiry by the military judge into an accused's plea of guilty is known by which of the following terms?
1. *Nolo contendere*
 2. Providency
 3. *Voir dire*
 4. Challenge procedure
- 6-35. In an SPCM member's trial, a finding of guilty must be approved by what number of the members?
1. One-third only
 2. Two-thirds only
 3. Three-fifths only
 4. All members
- 6-36. In a court-martial, for what reason are matters in mitigation of an offense introduced?
1. To lessen the punishment to be adjudged by the court-martial
 2. To explain the circumstances surrounding the commission of an offense
 3. To aid the court-martial in determining an appropriate sentence
 4. To constitute a legal justification or excuse for the offense
- 6-37. In a member's trial, what person is responsible for announcing the sentence?
1. Military judge
 2. Trial counsel
 3. President of the court
 4. Bailiff
- 6-38. What is the maximum sentence an SPCM may award?
1. BCD, confinement for 3 months, and forfeiture of two-thirds pay per month for 6 months
 2. BCD, confinement for 6 months, forfeiture of two-thirds pay per month for 6 months, and reduction in rate to E-1
 3. BCD, confinement for 6 months, total forfeitures, and reduction in rate to E-1
 4. DD, confinement for 1 year, total forfeitures, and reduction in rate to E-1
- 6-39. The effect of a BCD on veteran's benefits depends on which of the following factors?
1. Whether adjudged by an SPCM or a GCM
 2. Whether administered by the service or Department of Veterans Affairs
 3. The particular facts of the case
 4. All of the above

- 6-40. What is the maximum number of months an SPCM may adjudge hard labor without confinement?
1. 6
 2. 2
 3. 3
 4. 4
- 6-41. What limitations are placed on a SPCM court when awarding both forfeitures and a fine?
1. The total monetary amount may not exceed the amount that could have been required to be forfeited
 2. The total amount cannot be for less than the amount the accused was unjustly enriched by his or her crimes
 3. The total amount of the forfeitures cannot exceed the amount of the fine
 4. The amount of the fine cannot exceed the monthly amount of forfeitures
- 6-42. Automatic reduction to paygrade E-1 is effected upon what approved punishment?
1. Punitive discharge and confinement in excess of 90 days
 2. Punitive discharge or confinement in excess of 90 days
 3. Confinement in excess of 90 days or 3 months
 4. Confinement in excess of 30 days or 1 month
- 6-43. The escalator clause permits a punitive discharge in what type of cases?
1. Those involving moral turpitude
 2. Those involving grievous bodily harm
 3. Those involving an unauthorized absence of 1 year or more
 4. Those involving chronic offenders
- 6-44. What is the purpose of an Article 32 pretrial investigation?
1. To formally inquire into the truth of allegations contained in the charge sheet
 2. To prepare the government's case against the accused
 3. To ensure the allegations made in the charge sheet are factual
 4. To ensure the viability of the evidence presented in the case
- 6-45. In what manner is an Article 32 investigation convened?
1. By referral on the charge sheet
 2. By a numerically sequenced convening order
 3. By an appointing order listing the investigating officer and counsel
 4. By completion of the DD Form 457
- 6-46. What official is responsible for making the initial determination on the availability of military witnesses?
1. CA
 2. CO of the witness
 3. Counsel for the government
 4. Pretrial investigation officer
- 6-47. During an Article 32 investigation, a witness is not reasonably available. If the defense objects, what type of statement, if any, may the investigating officer consider?
1. Sworn
 2. Unsworn
 3. Prior testimony
 4. None
- 6-48. The pretrial advice prepared by a CA's SJA is completed according to what UCMJ article?
1. 32
 2. 33
 3. 34
 4. 35

6-49. The pretrial advice by the CO's SJA should include all EXCEPT which of the following items?

1. Whether each specification alleges an offense under the UCMJ
2. Whether each allegation is substantiated by the evidence
3. The action to be taken by the CA
4. The recommended punishment for the offense

6-50. A properly composed GCM should be comprised of what minimum number of members?

1. 12
2. 7
3. 3
4. 5

ASSIGNMENT 7

Textbook Assignment: "Posttrial Duties and the Review Process," chapter 8, pages 8-1 through 8-34.

- 7-1. What individual is responsible for completing the report of results of trial form?
1. Military judge
 2. Trial counsel
 3. Senior member
 4. CO's SJA/legal officer
- 7-2. On what date will confinement begin to run when adjudged by a court-martial?
1. Date the findings are announced
 2. Date the sentence is adjudged
 3. Date the CA signs his or her action
 4. Date the promulgating order is signed
- 7-3. Upon completion of a court-martial, what person normally prepares the confinement order?
1. Convening authority
 2. Military judge
 3. Trial counsel
 4. Brig personnel
- 7-4. What form is used to order an accused into posttrial confinement?
1. Report of results of trial
 2. Convening authority's action
 3. NAVPERS Form 1626/7
 4. NAVPERS Form 1640/4
- 7-5. What is a deferment request?
1. A request for clemency from the accused to the CA
 2. A request for postponement of all punishment adjudged by a court-martial
 3. A request for postponement of the service and running of confinement
 4. A request by the accused to suspend the punishment of confinement
- 7-6. A deferment of confinement request may be granted until what action is taken?
1. The sentence has been executed
 2. The confinement order is signed
 3. The record of trial is authenticated
 4. The SJA's advice is completed
- 7-7. The decision to grant or deny an accused's request for deferment of confinement is in the sole discretion of what official?
1. Military judge
 2. Trial counsel
 3. OEGCMJ'S SJA
 4. CA
- 7-8. What person has the burden to show that the release of the accused outweighs the community's interest in confinement?
1. Accused
 2. Defense counsel
 3. CA
 4. OEGCMJ
- 7-9. A CO may approve a deferment of confinement request but keep the member in a restricted status.
1. True
 2. False
- 7-10. If an accused is no longer under the jurisdiction of the CA, what official may rescind an accused's deferment of confinement?
1. JAG
 2. Accused's current CO
 3. OEGCMJ over the CA
 4. OEGCMJ over the accused

- 7-11. When a deferment request is rescinded, the accused must be made aware of what rights?
1. To appeal the decision to the next higher reviewing authority
 2. To appear before the authority rescinding the deferment
 3. To be given notice of the intended rescission and to submit written matters
 4. To appear before a formal review board
- 7-12. Restriction is what type of restraint?
1. Physical
 2. Moral
 3. Correctional
 4. Limited
- 7-13. What person or activity is responsible for attaching the appropriate posttrial checklist to the record of trial?
1. Trial counsel
 2. NLSO preparing the record of trial
 3. SJA of the CA
 4. The detailed court reporter
- 7-14. If a command is disestablished before the CO takes action on a court-martial case, what official will take action on the record of trial?
1. The chief staff officer of the command's type commander
 2. Chief of Naval Personnel
 3. The CA regardless
 4. An OEGCMJ
- 7-15. An accused must submit written matters to the CA within what specific number of days for (a) an SPCM and (b) an SCM?
1. (a) 7; (b) 10
 2. (a) 10; (b) 7
 3. (a) 3; (b) 5
 4. (a) 5; (b) 7
- 7-16. The CA must receive a written recommendation from his or her SJA before taking action on a record of trial that involves what type of punishment?
1. Confinement over 30 days
 2. Confinement of 1 year or longer
 3. Punishment involving total forfeitures
 4. BCD
- 7-17. Which of the following items should NOT be addressed in the SJA's recommendation?
1. Clemency recommendation of the military judge
 2. Jurisdiction of the court over the accused
 3. Summary of the accused service record
 4. Identification of legal errors in the record of trial
- 7-18. If an accused's defense counsel fails to respond to the SJA's recommendation within 10 days of receipt, what action is taken by the CA?
1. The defense counsel is allowed 24 hours to submit his or her corrections or challenges
 2. The accused is notified on nonaction by his or her counsel and requested to submit matters
 3. It is considered a waiver of any error in the review
 4. A request is made by the SJA to the CO of the NLSO for an immediate review of the recommendation
- 7-19. Who, if anyone, can sign the CA's action on the record of trial besides the CA?
1. CA's SJA
 2. Executive officer
 3. A person specifically authorized by the CO
 4. No one

- 7-20. If a CA considers matters outside of the record of trial that the accused is unaware of, what action must be taken by the CA?
1. The CA must order a rehearing to have the matters entered in the record
 2. The matters must be submitted to the military judge for a ruling on the admissibility
 3. The matters must be submitted to the accused for rebuttal
 4. The matters must be submitted to the CA's SJA for legal review and advice
- 7-21. If a CA disapproves any findings of guilty and does not order a rehearing, what action must the CA take?
1. Dismiss the charges and specifications in the action
 2. Provide an explanation of the reasons for disapproval
 3. Suspend the sentence adjudged
 4. Approve only part of the sentence adjudged
- 7-22. When a CA orders a sentence of confinement executed, he or she must also direct what other action regarding the confinement?
1. Designate the place of confinement
 2. Designate whether the confinement is with or without hard labor
 3. Include a release date
 4. Designate the measure of security of the accused
- 7-23. Automatic reduction to paygrade E-1 is effected when an accused receives what punishment?
1. Total forfeitures
 2. Confinement over 30 days
 3. Confinement over 90 days
 4. Punitive discharge
- 7-24. Where may sample CA's action forms be found?
1. MCM, app 14
 2. MCM, app 16
 3. JAGMAN, app A-1-m
 4. JAGMAN, app A-1-p
- 7-25. Which of the following statements best describes the main function of a promulgating order?
1. It is prepared as a cover letter for forwarding the record of trial to the supervisory authority
 2. It is prepared as a cover letter for forwarding the record of trial to NAMARA
 3. It is used as a method of informing all officials of the progress of a court-martial
 4. It is used to order a sentence executed
- 7-26. A CA may order all EXCEPT which of the following parts of a court-martial sentence executed?
1. Reduction in rate to E-1
 2. Loss of lineal number of an officer
 3. Punitive discharge
 4. Life imprisonment
- 7-27. In an acquittal SPCM case, what information must the CA address in the action?
1. That all rights and privileges previously held by the accused be restored
 2. That all information pertaining to the court-martial be purged from all records
 3. That all court members had the requisite qualifications
 4. That the court was properly constituted, and had jurisdiction over the accused and the offense

7-28. Promulgating orders are prepared for which of the following types of court-martials?

1. SCMs
2. SPCMs only
3. GCMs only
4. GCMs and SPCMs

7-29. A promulgating order must be dated with what date?

1. The date actually signed
2. The same date as the CA's action
3. The date the sentence was adjudged
4. The date the record of trial is forwarded to the next reviewing authority

7-30. What total number of copies of a promulgating order must be attached to an original non-BCD SPCM record of trial?

1. One
2. Two
3. Three
4. Four

7-31. An accused is adjudged a reduction in rate at a court-martial on 29 April 1994. The CA suspends the reduction in his or her action on 3 June 1994. The accused has a violation of the UCMJ on 15 June 1994 and the CA orders the suspension vacated on 19 June 1994. What will be the effective date and time in rate date shown on the page 4?

1. 29APR94
2. 03JUN94
3. 15JUN94
4. 19JUN94

IN ANSWERING QUESTIONS 7-32 AND 7-33, SELECT THE SERVICE RECORD PAGES TO BE COMPLETED TO REFLECT THE COURT-MARTIAL SENTENCE LISTED AS THE QUESTION.

7-32. BCD.

1. 13 only
2. 9 and 13 only
3. 4, 9, and 13
4. 4, 7, and 9

7-33. Confinement for 3 months, reduction in rate to E-1.

1. 7 and 9 only
2. 9 and 13 only
3. 4, 7, and 9 only
4. 4, 7, 9, and 13

7-34. A waiver or withdrawal of appellate review must be signed by which of the following personnel?

1. CA and the accused
2. Defense counsel and the accused only
3. Trial counsel, defense counsel, and the accused
4. Military judge, defense counsel, and the accused

7-35. A withdrawal of appellate review may be submitted up to what point of the review process?

1. SJA's recommendation is completed
2. CA's action is taken
3. Supervisory authority's action is taken
4. Appellate review is completed

7-36. Appellate leave regulations may be found in which of the following publications?

1. MCM
2. JAGMAN
3. MILPERSMAN
4. JFTR

- 7-37. Approved voluntary appellate leave must be in whose best interest?
1. The command's
 2. The accused's
 3. The service's
 4. The community's
- 7-38. Members placed on voluntary appellate leave will be provided transportation to their home of record.
1. True
 2. False
- 7-39. Appellate leave ID cards are issued in what time increments?
1. 1 year
 2. 6 months
 3. 3 months
 4. 9 months
- 7-40. Which of the following types of cases would be sent directly to JAG for review?
1. Noncapital GCM, accused has waived appellate review
 2. Non-BCD SPCM
 3. BCD SPCM
 4. SCM
- 7-41. In a non-BCD SPCM, final action on the case is complete when what action is taken?
1. The record of trial is forwarded to the National Personnel Records Center
 2. The record of trial is forwarded to NAMARA
 3. The record of trial is reviewed by the SJA of the OEGCMJ over the accused
 4. The OEGCMJ completes his or her supervisory authority's action
- 7-42. After review under Article 64, MCM, fleet activities must retain non-BCD SPCM cases for what minimum amount of time?
1. 1 year
 2. 2 years
 3. 3 months
 4. 6 months
- 7-43. Appellate defense counsel is detailed at what review level?
1. CA
 2. OEGCMJ
 3. OJAG
 4. NAMARA
- 7-44. Under what article of the UCMJ may an accused petition JAG to have his case retried, after final conviction based on newly discovered evidence?
1. 64
 2. 69
 3. 73
 4. 74
- 7-45. Upon receipt of the NMCMR decision, an accused has what maximum number of days to file a petition for a review by COMA?
1. 30
 2. 45
 3. 60
 4. 90
- 7-46. COMA's authority on review is limited to which of the following matters?
1. Judging the creditability of a witness
 2. Weight of the evidence presented
 3. Matters of law
 4. All of the above
- 7-47. What is a writ of certiorari?
1. An order by the Supreme Court directing COMA to grant a review of a case
 2. An order by the Supreme Court to COMA to certify a record and forward the case for review
 3. An appeal from the accused to the Supreme Court to review his case
 4. A request from JAG to the Supreme Court request review of a case

7-48. Vacation proceedings are recorded using what form?

1. DD Form 491
2. DD Form 490
3. DD Form 457
4. DD Form 455

7-49. A clemency recommendation may be initiated by which of the following officials?

1. Defense counsel
2. Military judge
3. Court members
4. All of the above

7-50. Clemency recommendations must comply with the guidelines set forth by what official?

1. SECNAV
2. SECDEF
3. CHNAVPERS
4. JAG

ASSIGNMENT 8

Textbook Assignment: "Administrative Separations," chapter 9, pages 9-1 through 9-24.

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| <p>8-1. What are the two types of separations given by the armed forces?</p> <ol style="list-style-type: none">1. Punitive and honorable2. Punitive and nonpunitive3. Punitive and administrative4. Honorable and other than honorable <p>8-2. A bad-conduct discharge may only be awarded by which of the following bodies?</p> <ol style="list-style-type: none">1. SPCM only2. GCM only3. GCM and SPCM4. Administrative board <p>8-3. Which of the following items determines whether a member receives a characterized or an uncharacterized separation?</p> <ol style="list-style-type: none">1. The paygrade of the member2. The member's time in service3. The member's final performance average4. The age of the member <p>8-4. A member separated due to a void enlistment will be discharged using what type of discharge certificate?</p> <ol style="list-style-type: none">1. An order of release2. General3. Entry level separation4. Honorable <p>8-5. Selected changes in service obligation separations must be approved by what official?</p> <ol style="list-style-type: none">1. CO2. OEGCMJ3. CHNAVPERS4. SECNAV | <p>8-6. A member may not be separated for convenience of the government if the member has which of the following matters pending?</p> <ol style="list-style-type: none">1. Disciplinary action2. Indebtedness to the government3. Lost time4. Obligated service due to an SRB <p>8-7. What official decides whether to approve or disapprove a dependency or hardship separation?</p> <ol style="list-style-type: none">1. SPCMCA2. Chief of Chaplains3. CHNAVPERS (PERS 282)4. CHNAVPERS (PERS 40HH) <p>8-8. A request for separation due to pregnancy may be forwarded to CHNAVPERS in which of the following cases?</p> <ol style="list-style-type: none">1. Member is a single parent2. Member is serving in a critical rate3. Member has executed orders in a pregnancy status4. Member has not completed obligated service for fully funded education <p>8-9. Which of the following separation categories requires that the member be formally counseled?</p> <ol style="list-style-type: none">1. Pregnancy or childbirth2. Dependency or hardship3. Somnambulism4. Parenthood <p>8-10. Which of the following convenience of the government separations must be approved by the Duputy CHNAVPERS?</p> <ol style="list-style-type: none">1. Pregnancy or childbirth2. Dependency or hardship3. Further education4. Parenthood |
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- 8-11. When, if ever, may the counseling requirements of a personality disorder separation be waived?
1. The personality disorder has warranted disciplinary action
 2. Medical authorities determine the member is self-destructive
 3. The personality disorder existed before service
 4. Never
- 8-12. A message request for a personality disorder separation must include what verbatim information?
1. Page 13 counseling entry
 2. Administrative board findings
 3. Psychiatric evaluation
 4. Member's statement
- 8-13. A physical disability must be substantiated by what means?
1. A medical board's determination
 2. A medical specialist's determination
 3. An administrative board's determination
 4. The CO's determination
- 8-14. A member who fails to meet the physical standards for enlistment may be separated under which of the following separation categories?
1. Physical disability
 2. Weight control failure
 3. Erroneous enlistment
 4. Defective enlistment
- 8-15. A parent must submit an application for discharge of a minor to the Navy within what maximum number of days of their son's or daughter's enlistment?
1. 30
 2. 60
 3. 90
 4. 180
- 8-16. Which of the following defective enlistment and induction categories may be processed using administrative board procedures?
1. Minority
 2. Fraudulent entry into naval service
 3. Defective enlistment
 4. Erroneous enlistment
- 8-17. In order to process an individual for unsatisfactory performance, his or her overall evaluation must be or fall below which of the following marks?
1. 2.0
 2. 2.6
 3. 2.8
 4. 3.0
- 8-18. A separation for drug abuse rehabilitation failure requires a drug dependency diagnosis by which of the following personnel?
1. Clinical psychologist
 2. Physician's assistant
 3. CAAC counselor
 4. Command DAPA
- 8-19. What type(s) of characterization of service will a member receive if separated for alcohol abuse rehabilitation failure?
1. Other than honorable
 2. Type warranted by service record
 3. Entry level separation
 4. Either 2 or 3 above, depending on length of service
- 8-20. Which of the following misconduct separations requires that the member be counseled before initiating separation processing?
1. Commission of a serious offense
 2. Civilian conviction (processing not mandatory)
 3. Civilian conviction (processing mandatory)
 4. Pattern of misconduct

- 8-21. Administrative reduction in rate of an E-4 to E-3 is effected whenever a member is separated with what type of administrative discharge?
1. Other than honorable
 2. Honorable
 3. General
 4. Order of release
- 8-22. The Chief of Naval Personnel is the separation authority whenever a member is processed for separation for which of the following categories of misconduct?
1. Pattern of misconduct
 2. Commission of a serious offense
 3. Minor disciplinary infraction
 4. Commission of a serious offense evidenced by sexual harassment
- 8-23. Processing a member for separation due to minor disciplinary infractions must be evidenced by what maximum number of violations of the UCMJ?
1. Eight
 2. Two
 3. Three
 4. Five
- 8-24. Which of the following factors must exist before a member may be processed for a pattern of misconduct separation?
1. Three or more punishments under the UCMJ within the member's career
 2. The latest offense and counseling must have occurred while assigned to the parent command
 3. At least eight of the violations (specifications) must be disciplined under the UCMJ
 4. Three or more periods of UA exist, regardless of duration
- 8-25. To process a member for commission of a serious offense (processing not mandatory), the offense must be serious enough to warrant what punishment under the UCMJ?
1. Confinement for 1 year
 2. Confinement for 6 months
 3. A punitive discharge
 4. Reduction in rate to E-1
- 8-26. Which of the following offenses is grounds for mandatory processing due to commission of a serious offense?
1. Armed robbery
 2. Deviant sexual behavior
 3. Sexual harassment
 4. Each of the above
- IN ANSWERING QUESTIONS 8-27 AND 8-28, SELECT THE CORRECT PUBLICATION OR INSTRUCTION THAT SHOULD BE USED TO PROVIDE GUIDANCE ON THE SPECIFIC SEPARATION CATEGORY LISTED AS THE QUESTION.
- 8-27. Mandatory separation processing for misconduct due to drug abuse.
1. SECNAVINST 1640.9A
 2. SECNAVINST 1910.4
 3. OPNAVINST 5350.4B
 4. OPNAVINST 5510.1H
- 8-28. Separation in lieu of court-martial.
1. MILPERSMAN
 2. MCM
 3. JAGMAN
 4. TRANSMAN
- 8-29. Which of the following officials is the separation authority for a separation in lieu of court-martial?
1. CHNAVPERS (PERS 81)
 2. CHNAVPERS (PERS 83)
 3. CO
 4. OEGCMJ

- 8-30. What official must grant approval before processing a member for separation due to security?
1. CHNAVPERS (PERS 81)
 2. CHNAVPERS (PERS 83)
 3. OPNAV
 4. SECNAV
- 8-31. A member separated in the best interest of the service does NOT have which of the following rights under the notification procedure?
1. The right to consult with counsel
 2. To obtain copies of documents that will be forwarded to CHNAVPERS, supporting the basis for the recommended separation
 3. The right to request an administrative board if the member has 6 or more years of service
 4. The right to submit statements
- 8-32. A member being processed for separation is commonly identified by what term?
1. Accused
 2. Processee
 3. Recorder
 4. Respondent
- 8-33. The specific rights and reasons for a member's processing for administrative separation are explained to the member in what document?
1. Appointing order
 2. Letter of notification
 3. Statement of awareness
 4. Letter of transmittal
- 8-34. The CO determines that the needs of the service require a member to be processed for separation before qualified counsel will be available. What action must the CO take regarding counsel?
1. Extend the response time for the letter of notification until counsel is available
 2. Proceed with the separation processing without the benefit of counsel
 3. Appoint a nonlawyer counsel
 4. Direct the member to select nonlawyer counsel
- 8-35. A member being separated must be allowed what minimum number of days to respond to a letter of notification?
1. 1
 2. 2
 3. 3
 4. 5
- 8-36. A message submission may be used for all EXCEPT which of the following separation categories?
1. Best interest of the service
 2. Misconduct
 3. Convenience of the government
 4. Defective enlistment
- 8-37. Supporting documentation of an administrative separation case must be forwarded to CHNAVPERS within what maximum number of days after message submission?
1. 5
 2. 2
 3. 10
 4. 15
- 8-38. What information must appear on each page of a letter of transmittal?
1. Command's UIC
 2. Reason for separation
 3. Complete subject line
 4. Member's full name, rate, and social security number

- 8-39. If a member in civil confinement refused to respond to a notice of administrative board procedure proposed action letter, what action should be taken by the command?
1. Forward the notice to the member's appointed defense counsel
 2. Prepare a page 13 entry of the attempted service by mail
 3. Prepare a sworn affidavit of service by mail
 4. Attach the certified mail receipt to the notice
- 8-40. Which of the following groups of members should be appointed to an administrative board on an E-3?
1. LT, LTJG (USNR), BMCN
 2. LT, ENS, AT2
 3. LCDR, LT, YNC (frocked)
 4. LCDR, LT (USNR), RMCN
- 8-41. To what person is an administrative board appointing order addressed?
1. Respondent
 2. Recorder
 3. Senior member only
 4. All members
- 8-42. Who, if anyone, may overrule the president of the board when no legal advisor is assigned?
1. A majority vote of the board
 2. Recorder
 3. Convening authority
 4. No one
- 8-43. What person is responsible for preparing the record of proceedings of an administrative board?
1. Senior member
 2. Recorder
 3. Junior member
 4. Legal advisor
- 8-44. Guidance for funding the travel of witnesses for an administrative board should be found in which of the following publications?
1. MCM
 2. MILPERSMAN
 3. JAGMAN
 4. DAPMAN
- 8-45. What is the standard of proof used by an administrative board?
1. Beyond a reasonable doubt
 2. Probable cause
 3. Preponderance of the evidence
 4. Competent evidence
- 8-46. What part of the record of proceedings must be recorded verbatim?
1. Testimony of witnesses
 2. Respondent's statement
 3. Closing statements
 4. Findings and recommendations
- 8-47. If counsel for the respondent does not agree with the material contained in the record of proceedings, what action must he or she take?
1. Prepare a dissenting report
 2. Prepare an appeal on behalf of the respondent
 3. Prepare a statement of deficiencies
 4. Prepare a certificate of correction
- 8-48. When the administrative board procedure is used and convened, the case should be forwarded to CHNAVPERS within what maximum number of days from the date the member is notified?
1. 10
 2. 15
 3. 30
 4. 50

8-49. The Naval Discharge Review Board may only take which of the following actions?

1. Revoke a discharge
2. Modify discharge documents
3. Determine eligibility for veterans' benefits
4. Cancel enlistment contracts

8-50. What forms are used to apply for review before the (a) Naval Discharge Review Board and (b) Board for Correction of Naval Records?

1. (a) DD Form 149;
(b) DD Form 293
2. (a) DD Form 214;
(b) DD Form 293
3. (a) DD Form 293;
(b) DD Form 214
4. (a) DD Form 293;
(b) DD Form 149

ASSIGNMENT 9

Textbook Assignment: "Delivery of Personnel," chapter 10, pages 10-1 through 10-11; "Legal Assistance," chapter 11, pages 11-1 through 11-10.

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| <p>9-1. A CO must weigh what factors when considering whether to deliver a member to state civil authorities?</p> <ol style="list-style-type: none">1. The interest of justice and the rights of the individual2. The privacy of the individual and the needs of the state3. The jurisdiction of the authorities involved and the legality of the request4. The federal interest in preserving sovereign immunity and the right of the state to exercise its jurisdiction <p>9-2. For what reason may civil authorities of a state request the delivery of a member?</p> <ol style="list-style-type: none">1. The member allegedly committed an offense punishable under federal law2. The member allegedly committed an offense punishable under state law3. The member committed an offense that is punishable by state and military law4. Each of the above <p>9-3. Normally, what official may authorize delivery of a member who is stationed in the jurisdictional area of a requesting state?</p> <ol style="list-style-type: none">1. The CO of the NLSO nearest the member's command2. The command legal officer of the member's command3. The member's commanding officer4. The command discipline officer of the member's command | <p>9-4. To what activity or official should executed copies of waivers of extradition be mailed?</p> <ol style="list-style-type: none">1. OEGCMJ2. The CO of the NLSO nearest the accused's Command3. CHNAVPERS4. JAG <p>9-5. When a waiver of extradition is refused, what official or activity acts as liaison between the requesting state and the state in which a member is located?</p> <ol style="list-style-type: none">1. Member's CO2. OEGCMJ3. The NLSO nearest the member's command4. JAG <p>9-6. When waiver of extradition has been refused, what activity or official must grant permission to transfer a member to another state?</p> <ol style="list-style-type: none">1. SECNAV (JAG)2. CHNAVPERS3. CO of the NLSO nearest the accused's command4. OEGCMJ <p>9-7. A state issues a fugitive warrant for a member who is located in another state. What legal entity would normally request delivery of that person?</p> <ol style="list-style-type: none">1. The state that issued the fugitive warrant2. The state in which the member is located3. CHNAVPERS4. JAG |
|---|--|

- 9-8. The State of Florida issues a fugitive warrant for a member located in Alabama. The State of Alabama subsequently requests delivery of the member. If the member refuses to waive extradition, to whom or where may he or she contest extradition?
1. JAG
 2. OEGCMJ
 3. Courts of the state that issued the fugitive warrant
 4. Courts of the state requesting delivery
- 9-9. A request for delivery of a member stationed outside the United States has been received by the member's command. Before delivery can be effected, what activity or official must examine the request for delivery?
1. SECNAV (JAG)
 2. CHNAVPERS
 3. JAG
 4. The nearest Navy or Marine Corps judge advocate
- 9-10. When a written waiver of extradition is prepared, which of the following items of information must be included?
1. Age of the accused
 2. Marital status of the accused
 3. Name of the accused's counsel
 4. Each of the above
- 9-11. What person(s) must sign a formal waiver of extradition?
1. The accused only
 2. The accused and a witness only
 3. The accused, a witness, and the accused's counsel only
 4. The accused, a witness, the accused's counsel, and the accused's CO
- 9-12. A request for delivery to a federal district court of a member who is stationed outside the United States is made to what official?
1. The member's CO
 2. CHNAVPERS
 3. JAG
 4. SECNAV (JAG)
- 9-13. When a member is delivered to a state under a delivery agreement, what activity or official has the responsibility for returning the member to military control?
1. The requesting state
 2. CHNAVPERS
 3. JAG
 4. The NLSO nearest where the trial is being held
- 9-14. What official has the authority to approve the use of a delivery agreement that is different from the standard format prescribed in the *JAG Manual*?
1. The CO of the NLSO nearest the member's command
 2. The Chief of Naval Personnel
 3. JAG
 4. Any Navy or Marine Corps judge advocate
- 9-15. Forms for the delivery under the Interstate Agreement on Detainers Act may be found in what publication?
1. Article 14, UCMJ
 2. JAGMAN
 3. Title 18, *U.S. Code*
 4. MCM
- 9-16. The return transportation expenses for a member delivered to federal authorities are paid by whom?
1. OEGCMJ
 2. Member's activity
 3. CHNAVPERS
 4. Department of Justice

- 9-17. In what case may COs allow the delivery of military members to foreign authorities?
1. Only upon commission of a capital offense
 2. Only when a status of forces agreement exists with the government concerned
 3. Only when the member consents
 4. Only when the government concerned signs a delivery agreement
- 9-18. Which of the following items of information must be included when a delivery agreement is prepared?
1. The alleged charge against the person
 2. The place the person is to be delivered
 3. A statement that there will be no expenses incurred by the Navy in delivering the person
 4. Each of the above
- 9-19. When a member who has been delivered to civil authorities has been released on bail awaiting trial, which of the following actions should a commanding officer take?
1. Determine how much restriction is required to keep the member available for trial
 2. Determine what date the trial is to be held
 3. Determine what disciplinary action should be taken against the member
 4. Determine how much lost time should be charged against the member
- 9-20. When a state requests that a military prisoner be delivered for trial before a state court, what official should act as liaison between the state and military authorities?
1. The Director, Bureau of Prisons
 2. SECNAV (JAG)
 3. CHNAVPERS
 4. The responsible Navy or Marine Corps staff judge advocate
- 9-21. What item should be attached as an enclosure to the report of refusal of delivery of a member to civil authorities?
1. Statement by the member's CO as to why delivery was refused
 2. Statement by the member as to why delivery should be refused
 3. A copy of the warrant of arrest
 4. A copy of the judge advocate's advice and review of the warrant
- 9-22. Which of the following information must be included in the text of a report of refusal of delivery?
1. Title of the person to whom delivery was refused
 2. The reason for refusal
 3. Description of military crime(s) charged
 4. Each of the above
- 9-23. A copy of the refusal to deliver report should be sent to the area coordinator and what other official?
1. SECNAV (JAG)
 2. State official requesting delivery
 3. CHNAVPERS
 4. CO of nearest NLSO
- 9-24. What official has the authority to deny a request from a state for delivery of a military prisoner for trial by a state court?
1. Director, Bureau of Prisons
 2. SECNAV (JAG)
 3. CHNAVPERS
 4. The cognizant Navy or Marine Corps judge advocate

- 9-25. When the member is to be tried by military court-martial, what official is responsible for preparing a written request for delivery of a member who is serving a sentence from a state court conviction?
1. The member's former CO
 2. The CO of the cognizant NLSO
 3. CHNAVPERS
 4. SECNAV (JAG)
- 9-26. Which of the following objectives best describes the purpose of the legal assistance program?
1. To provide major commands with assistance in the area of administrative law
 2. To provide additional assistance to individuals being processed for administrative discharges
 3. To provide prompt assistance to resolve personal legal difficulties
 4. To provide a referral service to personnel seeking legal assistance
- 9-27. Which of the following phrases best encompasses the Navy's policy concerning legal assistance?
1. To make eligible persons aware of their legal rights and obligations
 2. To ensure the Navy is properly represented in civil matters
 3. To ensure eligible members are aware of legal reference services in civil matters
 4. To ensure eligible members are aware of legal referral services within each command's geographical area
- 9-28. Which of the following persons may serve as a legal assistance officer in the Navy?
1. Marine Corps judge advocate on active duty
 2. Civilian lawyer under the cognizance of the Judge Advocate General
 3. Navy judge advocate not on active duty who has been designated by the Judge Advocate General
 4. Each of the above
- 9-29. Which of the following personnel would normally be eligible for the legal assistance program within the United States?
1. Dependents of active duty military personnel
 2. Civilians in the employ of the U.S. Navy
 3. Dependents of civilian employees of the Navy
 4. Each of the above
- 9-30. Which of the following personnel would normally be eligible for the legal assistance program at overseas locations?
1. Dependents of local hire civilian personnel
 2. U.S. citizens residing in that overseas location
 3. Dependents of Department of the Navy civilian employees
 4. A member of the Naval Reserve on active duty for 14 days
- 9-31. Which of the following criteria should be applied to how legal assistance client's files should be treated?
1. The same as general correspondence
 2. As confidential and privileged information
 3. As separate files but subject to public scrutiny
 4. As separate files but available to anyone within the Department of the Navy

- 9-32. Which of the following persons may authorize disclosure of information contained in a legal assistance case file?
1. The commanding officer
 2. The command legal officer
 3. The Judge Advocate General
 4. The client
- 9-33. A member's CO requests information on whether a member of his or her command reported to a legal assistance office. What is the only type of information that may be divulged without the client's consent?
1. A summary of the advice given
 2. The nature of the assistance being given
 3. That the member reported to the office
 4. The substance of the conversations
- 9-34. Effective liaison should be established with which of the following agencies to increase the effectiveness of the legal services available at a legal assistance office?
1. Local bar associations
 2. Local courts
 3. Local business organizations
 4. Each of the above
- 9-35. Which of the following items should be available to help the receptionist in a legal assistance office when a potential legal assistance client telephones for an appointment?
1. A copy of the *Legal Assistance Handbook*
 2. A copy of the *Lawyer's Desk Handbook*
 3. A telephone receptionist's checklist
 4. *Martindale-Hubbel's Law Directory*
- 9-36. What should be the first item of information a receptionist should obtain from a potential legal assistance client when that person is requesting an appointment?
1. Who referred the person to the legal assistance office
 2. The general nature of the assistance being sought
 3. The command the client is attached to
 4. The client's address and telephone number
- 9-37. The legal assistance attorney's duties and responsibilities are governed by what publication or instruction?
1. MILPERSMAN
 2. JAGMAN
 3. JAGINST 5801.2
 4. SECNAVINST 1752.3
- 9-38. In addition to advice and counseling, which of the following types of assistance may be provided in a legal assistance office?
1. Handling negotiations for a client in minor legal matters
 2. Drafting of complex estate planning
 3. Preparing tax returns
 4. Preparing an Article 138, UCMJ, petition
- 9-39. For which of the following areas should legal assistance NOT normally be provided?
1. Matters concerning nonsupport of dependents
 2. Matters that are in conflict with the interest of the United States
 3. Matters concerning small claims
 4. Matters involving custody of minors

- 9-40. Which of the following statements best describes the general policy for giving legal advice over the telephone?
1. Advice is not provided
 2. Only advice concerning military matters should be given
 3. Only advice concerning quasi-legal matters should be given
 4. Only advice concerning familiar subject matter areas should be given
- 9-41. If a legal assistance officer refers a client to a private civilian attorney, what person is responsible for payment of the client's legal fees?
1. CO, NLSO
 2. Client's CO
 3. Client
 4. Commander, Naval Legal Service Command
- 9-42. The expanded legal assistance program provides for which of the following services?
1. Representation by legal assistance attorneys in local courts
 2. Representation by civilian attorneys in local courts
 3. Legal assistance to nonmilitary personnel under contract with the U.S. Government
 4. Legal assistance for retired members of the armed forces and their dependents
- 9-43. Which of the following persons would normally be eligible to be represented by a military attorney under the expanded legal assistance program?
1. YN2 Craft, USNR, on active duty
 2. AE3 Line, USN, who is married
 3. PN3 Hull, USN (Retired), who is married
 4. QM3 Deck, USNR
- 9-44. What person is ultimately responsible for the content and maintenance of legal assistance case files?
1. CO, NLSO
 2. XO, NLSO
 3. Legal assistance receptionist
 4. Each legal assistance attorney
- 9-45. Legal assistance case files should be established for what type of matters?
1. Those resolved in one visit only
 2. Those requiring follow-up visits only
 3. Where advice was given over the phone only
 4. Each case seen by a legal assistance attorney
- 9-46. Which of the following forms should be completed as a means of keeping a record of each visit by a legal assistance client?
1. Legal affairs questionnaire
 2. Receptionist's checklist
 3. Legal Assistance Case Record
 4. Legal assistance referral record
- 9-47. A copy of each outgoing piece of correspondence from a legal assistance office should be filed in which of the following files?
1. Reading file
 2. Reference material file
 3. Forms file
 4. Reports file
- 9-48. The destruction of all 2-year-old closed case files should be conducted during what specific month?
1. January
 2. April
 3. October
 4. December

9-49. Normally, at what time interval should the Legal Assistance Report be submitted?

1. Quarterly
2. Semiannually
3. Annually for cases each calendar year
4. Annually for cases each fiscal year

9-50. When the Legal Assistance Report is prepared, which of the following sources of information should normally be used as the primary one?

1. Telephone receptionist's log
2. Legal affairs questionnaire
3. Legal assistance appointment log
4. Legal Assistance Case Record

COURSE COMPLETION/DISENROLLMENT FORM
(Refer to instructions in front of course)

PLEASE PRINT CLEARLY

LEGALMAN 3 & 2	72609
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NONRESIDENT TRAINING COURSE (NRTC)

NAVEDTRA NUMBER

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NAME, RANK, RATE, CIVILIAN

SSN

IF YOUR COURSE WAS ADMINISTERED BY NETPMSA, YOU MUST SUBMIT THIS FORM TO THE ADDRESS BELOW. IF YOUR COURSE WAS ADMINISTERED BY AN ACTIVE DUTY COMMAND OR NAVAL RESERVE CENTER, DO NOT SUBMIT THIS FORM TO NETPMSA.

☐ COURSE COMPLETION (Date _____)

YOU SHOULD RETAIN THE TRAINING MANUAL AND THE ASSIGNMENT BOOKLET IF THEY ARE NOT CLASSIFIED. If CLASSIFIED, submit the material to your command for proper disposition of CLASSIFIED material. A letter of satisfactory completion will be issued to you after your last assignment is received and processed. This form should be included when you send in the last assignment. If the training manual and NRTC courses are designated with distribution statements B, C, D, E, F, or X, and you decide to dispose of the material, you must destroy the material to prevent disclosure of contents or reconstruction of the document.

☐ DISENROLLMENT (Date _____)
(Did not complete the course)

In the event of disenrollment, submit this form to the address below with any unused ADP answer sheets. You need not return any other course material. If the course material is CLASSIFIED, you must submit the material to your command for proper disposition of CLASSIFIED material. If the training manual and NRTC courses are designated with distribution statements B, C, D, E, F, or X, and you decide to dispose of the material, you must destroy the material to prevent disclosure of contents or reconstruction of the document.

☐ OTHER REASON (Specify) :

PRIVACY ACT STATEMENT

Under authority of Title 5, USC 301, information regarding your military status is requested to assist in processing your comments and prepare a reply. This information will not be divulged, without written authorization, to anyone other than those within OOD for official use in determining performance.

COMMANDING OFFICER NETPMSA CODE 074 6490 SAUFLEY FIELD RD PENSACOLA FL 32559-5000
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STUDENT COMMENT SHEET

THIS FORM MAY BE USED TO SUGGEST IMPROVEMENTS, REPORT COURSE ERRORS, OR TO REQUEST HELP IF YOU HAVE DIFFICULTY COMPLETING THE COURSE.

FROM: _____ Date _____
SSN _____
NAME (Last, first, M.I.)
RANK, RATE, CIVILIAN

STREET ADDRESS, APT #

CITY, STATE ZIP CODE _____
To: COMMANDING OFFICER
NETPMSA CODE 0313
6490 SAUFLEY FIELD RD
PENSACOLA FL 32509-5237

Subj: LEGALMAN 3 & 2, NAVEDTRA 72609

1. The following comments are hereby submitted:

PRIVACY ACT STATEMENT

Under authority of Title 5, USC 301, information regarding your military status is requested to assist in processing your comments and prepare a reply. This information will not be divulged, without written authorization, to anyone other than those within DOD for official use in determining performance.

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DEPARTMENT OF THE NAVY

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6490 SAUFLEY FIELD RD
PENSACOLA FL 32509-5237

OFFICIAL BUSINESS

COMMANDING OFFICER
NETPMSA CODE 0313
6490 SAUFLEY FIELD RD
PENSACOLA FL 32509-5237

PRINT OR TYPE

TITLE _____ NAVEDTRA _____

NAME _____ ADDRESS _____
Last First Middle Street/Ship/Unit/Division, etc.

RANK/RATE _____ SOC. SEC. NO. _____ City or FPO State Zip
DESIGNATOR ASSIGNMENT NO. _____

☐ USN ☐ USNR ☐ ACTIVE ☐ INACTIVE OTHER (Specify) _____ DATE MAILED _____

SCORE

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